

RESOLUTION NO. 24-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, IN SUPPORT OF THE BROWARD COUNTY RESOLUTION URGING THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, TO RELEASE ALL CITIES SUBJECT TO TRI-PARTY EDUCATIONAL MITIGATION AGREEMENTS, AND APPROVING THE RELEASE OF THE 2007 SCHOOL EDUCATION MITIGATION AGREEMENT BETWEEN THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, BROWARD COUNTY AND THE CITY OF FORT LAUDERDALE; PROVIDING FOR DISTRIBUTION OF THIS RESOLUTION AND AN EFFECTIVE DATE.

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WHEREAS, all new residential development supports the Public School System by paying a student impact fee for each new unit that is added, yet many Broward cities are hampered by additional decades-old agreements that impose excessive fees on new residential development over and above the student impact fees to address school overcrowding; and

WHEREAS, the cities of Coconut Creek, Dania Beach, Davie, Fort Lauderdale, Lauderdale Lakes, Lauderhill, Miramar, Oakland Park, Plantation, and Pembroke Pines are subject to Tri-Party Educational Mitigation Agreements for their Activity Centers which impose a per residence unit fee above and in excess to the standard school impact fee disproportionately affecting specific neighborhoods and communities; and

WHEREAS, today the student population in Broward County public schools has fallen dramatically and many schools are significantly underenrolled such that the payment of student station costs is no longer necessary; and

WHEREAS, the funding collected by The School Board of Broward County, Florida, from these agreements was to create additional capacity for those schools impacted by the new development; and

WHEREAS, Broward County is facing a significant housing crisis, with a critical need for affordable and accessible housing options to support its diverse and growing population and the increasing cost of living wherein many families are experiencing housing instability; and

WHEREAS, the collaboration among local governments, The School Board of Broward County, Florida, and the County is critical to effectively address the region's housing challenges to prioritize the development of critically needed residential development and in particular affordable development to ensure housing opportunities for all residents; and

WHEREAS, these agreements inhibit government's ability to address a pressing need for additional housing by creating an impediment that adds an inequitable financial burden to residential development, particularly in areas already facing housing shortages; and

WHEREAS, upon application from the City of Fort Lauderdale, the Board of County Commissioners of Broward County approved the Broward County Land Use Plan text amendment PCT 05-3 in 2006 and PCT 15-3 in 2016, which added 3,000 and 5,000 new residential dwelling units respectively, to the existing Downton Regional Activity Center at a time when many public schools were overenrolled; and

WHEREAS, a condition of approval of the Amendment requires each City to require developers of projects within the Activity Center to mitigate the additional students anticipated to be generated by the residential development through the execution of a Tri-Party Agreement with the City, County and The School Board of Broward County, Florida, that required developers to pay student station costs, rather than school impact fees, to mitigate the impact on public schools; and

WHEREAS, student station costs are determined by The School Board of Broward County, Florida, and are derived from the cost per student station as determined, published, and amended annually by the State of Florida, representing the cost estimate to construct elementary, middle school, and high schools in Florida; and

WHEREAS, student station costs generally far exceed the school impact fees for comparable developments, as evidenced by THE RISE Project in the City of Fort Lauderdale, a 157-unit multifamily project required to pay Two Hundred and Thirty-One Thousand Eight Hundred and Eighty-Nine Dollars (\$231,889) in student station costs for 2.67 students anticipated to be generated by the latest student generation rates adopted in the 2024 student generation study; and

WHEREAS, absent the Tri-Party Agreement, the school impact fees that would have been due for the 157-unit project are Seventy-Two Thousand Three Hundred and Seventy-Seven Dollars (\$72,377); and

WHEREAS, the impact of new development on school population has receded and there is sufficient capacity to support development as evidenced by the recently adopted reduction in student generation rates for new residential units; and

WHEREAS, on August 29, 2024, the Broward County Planning Council recognizing this anomaly, unanimously voted to urge the Board of County Commissioners of Broward County, as a party to the Agreements, to take the appropriate action to release all cities from “these outdated Agreements, all of which were committed to between 2003 and 2006 to address significant overcrowding concerns in public schools by imposing additional fees on new residential developments; a condition which no longer exists. The release of these Agreements is critical to facilitating housing opportunities and redevelopment through Broward County and specifically along essential transportation corridors.” furthering the policies of the BrowardNext – Broward County Land Use Plan “to require new residential development to pay its fair share of the cost of land acquisition and construction for new public elementary and secondary school facilities...”; and

WHEREAS, on September 17, 2024, the Board of County Commissioners of Broward County passed a resolution supporting the release of the cities of Coconut Creek, Dania Beach, Davie, Fort Lauderdale, Lauderdale Lakes, Lauderdale Hill, Miramar, Oakland Park, Plantation, and Pembroke Pines from the Tri-Party Educational Mitigation Agreements related to the Activity Centers within their boundaries. The Board of County Commissioners further directed the County Administrator to transmit a copy of the Resolution to each member of The School Board of Broward County, Florida; and

WHEREAS, the City Commission of the City of Fort Lauderdale deems it to be in the best interests of the City and the County to approve and urge The School Board of Broward County, Florida, to support the Broward County Resolution urging the release of all cities subject to the Tri-Party Educational Agreement, which funding was collected to create additional capacity for those schools impacted by the new development, and approve the release of the 2007 School Education Mitigation Agreement, as amended, between The School Board of Broward County, Florida, Broward County and the City of Fort Lauderdale;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the City Commission of Fort Lauderdale, Florida, urges The School Board of Broward County, Florida, to release the City from the Tri-Party Educational Agreement between The School Board of Broward County, Florida, Broward County and the City of Fort Lauderdale.

SECTION 2. That the City Commission of the City of Fort Lauderdale hereby directs the City Clerk to transmit an executed copy of this resolution to the Superintendent of Broward County Schools and each member of The School Board of Broward County, Florida.

SECTION 3. That this Resolution shall be in full force and effect immediately upon its passage and adoption.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2024.

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Mayor  
DEAN J. TRANTALIS

ATTEST:

\_\_\_\_\_  
City Clerk  
DAVID R. SOLOMAN

APPROVED AS TO FORM AND  
CORRECTNESS:

\_\_\_\_\_  
City Attorney  
THOMAS J. ANSBRO

Dean J. Trantalis \_\_\_\_\_

John C. Herbst \_\_\_\_\_

Steven Glassman \_\_\_\_\_

Pamela Beasley-Pittman \_\_\_\_\_

Warren Sturman \_\_\_\_\_