

**PROPOSED RESOLUTION NO. 2025-R-49**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA; REQUESTING BROWARD COUNTY PUBLIC SCHOOLS TO RELEASE OR AMEND THE EDUCATIONAL MITIGATION TRI-PARTY AGREEMENT TO COMPLY WITH CHANGES IN STATE LAW AND TO ELIMINATE THE STUDENT STATION FEES WITHIN THE AGREEMENT; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, in 2006 the City of Pembroke Pines (the “City”), entered into the Educational Mitigation Tri-Party Interlocal Agreement (the “Agreement”) with Broward County (the “County”) and Broward County Public Schools (the “School District”) as one (1) of nine (9) Broward County cities to enter into such an agreement; and

**WHEREAS**, under the terms of the Agreement, the City is required to make payments to the School District to mitigate the potential impact of certain new development projects within the City by providing a “student station fee” to allow public schools, which were largely overcrowded at the time the Agreement was entered into, to accommodate additional student demand; and

**WHEREAS**, due to various factors, including the increase of available alternate schooling options, the School District is no longer affected by the capacity concerns that once burdened the public school system as indicated by the School District’s recent consideration to close several schools within the School District due to lowered enrollment and demand; and

**WHEREAS**, during the 2025 Florida Legislative Session, the Florida Legislature passed, and the Governor signed into law, the Committee Substitute for Senate Bill No. 1080 (SB 1080), entitled “Local Government Land Regulation” which became law on October 1, 2025; and

**WHEREAS**, SB 1080 in part amends Sec. 163.3180, Florida Statutes, entitled “Concurrency” by providing that a school district may not collect, charge, or impose any alternative fee in lieu of an impact fee to mitigate the impact of development on education

facilities unless the fee is proportional and reasonably connected to, or has a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction and the fees are proportional and reasonably connected to, or have a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction; and

**WHEREAS**, on August 21, 2025, the Broward County Commission voted unanimously to approve to terminate its portion of the Agreement for convenience and accordingly, no longer serves as the School District's collection agent under the Agreement; and

**WHEREAS**, on October 24, 2025, the Florida Attorney General issued a legal opinion (the "AGO") providing that under SB1080 Florida law prohibits a school district in the State of Florida from assessing and enforcing student station fees in addition to impact fees from local government agencies regardless if there is an Agreement between the school district and the local government; and

**WHEREAS**, the AGO provides that the student station fees under the Agreement fail to meet the requirements of Sec. 163.3180, Florida Statutes, because the schools are under-enrolled and current facilities are underutilized; and

**WHEREAS**, in light of the foregoing, the City Commission of the City of Pembroke Pines, Florida, deems it to be in the best interest of the residents of the City to request that the School Board take immediate steps to release or amend the Agreement to eliminate the student station fees as well as any other terms that may no longer be applicable under state law.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, THAT:**

**Section 1.** The foregoing "WHEREAS" clauses are true and correct and hereby ratified and confirmed by the City Commission. All exhibits referenced herein and attached hereto are hereby incorporated herein.

**Section 2.** The City Commission of the City of Pembroke Pines, Florida, hereby requests Broward County Public Schools to release or amend the Educational Mitigation Tri-Party Interlocal Agreement to comply with changes in state law and to eliminate the student station fees within the Agreement; and

**Section 3.** The City Clerk is hereby directed to transmit a certified copy of this Resolution to the Broward County Superintendent, Dr. Howard Hepburn and the members of the Broward County School Board.

**Section 4.** All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5.** If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

**Section 6.** This Resolution shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025.**

CITY OF PEMBROKE PINES, FLORIDA

ATTEST: By: \_\_\_\_\_  
MAYOR ANGELO CASTILLO

_____ GABRIEL FERNANDEZ, CITY CLERK	CASTILLO	_____
APPROVED AS TO FORM:	HERNANDEZ	_____
	GOOD	_____
	RODRIGUEZ	_____
_____ OFFICE OF THE CITY ATTORNEY	SCHWARTZ	_____