

PROPOSED RESOLUTION NO. 2025-R-49

RESOLUTION NO. 3939

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

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RESOLUTION NO. 3939

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.

PROPOSED RESOLUTION NO. 2025-R-49

RESOLUTION NO. 3939

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 11TH DAY OF DECEMBER, 2025.



CITY OF PEMBROKE PINES, FLORIDA

By:

MAYOR ANGELO CASTILLO

ATTEST:

GABRIEL FERNANDEZ, CITY CLERK

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

CASTILLO AYE

HERNANDEZ AYE

GOOD AYE

RODRIGUEZ AYE

SCHWARTZ AYE



City of Pembroke Pines, FL

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Agenda Request Form

Agenda Number: ADD-1

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|--|--------------------------|-----------------------------|
| File ID: 2025-R-49 | Type: Resolution | Status: Passed |
| Version: 1 | Agenda Section: | In Control: City Commission |
| File Created: 12/08/2025 | | |
| Short Title: Proposed Resolution No. 2025-R-49 | Final Action: 12/11/2025 | |

Title: MOTION TO ADOPT PROPOSED RESOLUTION NO. 2025-R-49.

PROPOSED RESOLUTION NO. 2025-R-49 IS 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.

*Agenda Date: 12/11/2025

Enactment Date: 12/11/2025

Agenda Number: ADD-1

Enactment Number: 3939

Internal Notes:

Attachments: 1. Proposed Resolution 2025-R-49 (School Mitigation), 2. Chapter 2025-177, Laws of Florida, 3. Attorney General Opinion to Rep. LaMarca

Related Files:

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|--|-----------------|------------|-------|------|
| 1 | City Commission | 12/11/2025 | adopt | Pass |
| <p>Action Text: A motion was made by Commissioner Good Jr., seconded by Mayor Castillo, to adopt Proposed Resolution No. 2025-R-49. The motion carried by the following vote:</p> <p>Aye: - 5 Mayor Castillo, Vice Mayor Hernandez, Commissioner Good Jr., Commissioner Rodriguez, and Commissioner Schwartz</p> <p>Nay: - 0</p> | | | | |

SUMMARY EXPLANATION AND BACKGROUND:

1. The City of Pembroke Pines, like several other municipalities in Broward County, entered into a Tri-Party Educational Mitigation Interlocal Agreement in the early 2000s as a condition of

amending its land use plan to establish a Local Activity Center (LAC) or Regional Activity Center (RAC). Pembroke Pines City Center is a Regional Activity Center and the agreement was required specifically for the development of the City Center property. At the time, Broward County Public Schools (BCPS) faced significant overcrowding, and the agreements were intended to mitigate the anticipated impact of increased student enrollment from new residential development.

2. However, over the past two decades, the demographic landscape has shifted. Student enrollment in many of these urban core areas has declined significantly, and schools in these zones are now under-enrolled, rendering the original justification for the student station fees obsolete.
3. Pembroke Pines remains a party to the outdated Tri-Party Agreement, which imposes student station costs far exceeding standard school impact fees. These excessive fees:

Create financial barriers to development, particularly for affordable housing projects.
Potentially delay or jeopardize the viability of new housing.

4. Recognizing the inequity and outdated nature of these agreements, the City of Pembroke Pines has joined with other impacted cities-including Coconut Creek, Dania Beach, Fort Lauderdale, Lauderdale Lakes, Lauderhill, Miramar, Oakland Park, and Plantation-in advocating for the release from these Tri-Party Agreements.
5. The following actions have occurred at the County related to this agreement:

On August 27, 2024, Broward County Housing Finance Director Ralph Stone formally highlighted the issue to the Planning Council.

On September 17, 2024, the Broward County Board of County Commissioners passed a resolution supporting the release of all affected cities, including Pembroke Pines, from the Tri-Party Agreements.

6. During the 2025 Legislative Session, the Florida Legislature passed SB 1080. 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.

7. On August 21, 2025, Item No. 66, the County Commission terminated for convenience an Interlocal Agreement Related to School Impact Fee Monies ("ILA") between Broward County and The School Board of Broward County, Florida ("School Board"), and directed the County Attorney's Office to draft necessary amendments to the Code to effectuate the transfer of educational impact fee collection responsibility. Consistent with the termination of the ILA, the proposed amendments transfer responsibility for the collection of educational impact fees to the School Board.

8. 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;
9. On December 9, 2025, the Broward School Board held a workshop to consider amending the Interlocal Agreement. Although the School Board did not provide direction to staff to amend the agreement, staff was directed to form a mitigation working group to discuss possible amendment of the Agreement over the next sixty (60) days with the nine (9) Cities that have entered into the Tri-Party Educational Mitigation Interlocal Agreement.
10. The proposed resolution urges 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.
11. Administration recommends passage of proposed Resolution 2025-R-49

FINANCIAL IMPACT DETAIL:

- a) **Initial Cost:** None.
- b) **Amount budgeted for this item in Account No:** Not Applicable.
- c) **Source of funding for difference, if not fully budgeted:** Not Applicable.
- d) **5 year projection of the operational cost of the project** Not Applicable.
- e) **Detail of additional staff requirements:** Not Applicable.

FEASIBILITY REVIEW:

A feasibility review is required for the award, renewal and/or expiration of all function sourcing contracts. This analysis is to determine the financial effectiveness of function sourcing services.

- a) **Was a Feasibility Review/Cost Analysis of Out-Sourcing vs. In-House Labor Conducted for this service?** Not Applicable.
- b) **If Yes, what is the total cost or total savings of utilizing Out-Sourcing vs. In-House Labor for this service?** Not Applicable.