

PROPOSED

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO SCHOOL IMPACT FEES AND STUDENT
3 GENERATION RATES; RATIFYING THE CURRENTLY ADOPTED SCHOOL IMPACT
4 FEES; AMENDING SECTION 5-182.9 OF THE BROWARD COUNTY CODE OF
5 ORDINANCES ("CODE"), RELATING TO STUDENT GENERATION RATES;
6 STREAMLINING THE EXISTING STUDENT IMPACT FEE SCHEDULE; AND
7 PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE
8 DATE.

9 (Sponsored by the Board of County Commissioners)

10
11 WHEREAS, Section 163.31801, Florida Statutes, the "Florida Impact Fee Act,"
12 recognizes impact fees as an important source of revenue for local governments to use
13 in funding the infrastructure necessitated by new growth;

14 WHEREAS, the Broward County Land Development Code ("Land Development
15 Code") establishes student generation rates and applicable school impact fees to be paid
16 by developers of residential development to provide for the educational needs of the
17 residents of new dwelling units;

18 WHEREAS, the Land Development Code provides for the collection of school
19 impact fees by Broward County, with quarterly remission to The School Board of Broward
20 County ("School Board") for expenditure consistent with the Land Development Code and
21 relevant law;

22 WHEREAS, pursuant to that Third Amended and Restated Interlocal Agreement
23 for Public School Facility Planning, Broward County, Florida, among Broward County, the
24 School Board, and twenty-seven (27) municipalities within Broward County, the School
25 Board has caused an update of the student generation rates to be conducted;

26 WHEREAS, the Broward County Public Schools Student Generation Rate and
27 School Impact Fee Study Update, Final Report, June 14, 2024 ("Update"), provides for
28 modified student generation rates and school impact fees;

29 WHEREAS, on July 23, 2024, the School Board adopted Resolution No. 25-02, as
30 amended, recommending that Broward County (i) ratify the currently adopted school
31 impact fees found in the Land Development Code, in lieu of the modified school impact
32 fees provided for in the Update, and (ii) revise the student generation rates consistent
33 with the recommendations in the Update; and

34 WHEREAS, the Board of County Commissioners of Broward County, Florida,
35 deems it in the best interest of the citizens of Broward County to (i) ratify the currently
36 adopted school impact fees found in the Land Development Code and (ii) revise the
37 student generation rates consistent with the recommendations in the Update, NOW,
38 THEREFORE

39 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
40 BROWARD COUNTY, FLORIDA:

41 Section 1. The recitals set forth above are true and correct and are incorporated
42 into this Ordinance.

43 Section 2. The Broward County Board of County Commissioners ("Board")
44 hereby ratifies the currently adopted school impact fees found in Section 5-182.9 of the
45 Broward County Code of Ordinances.

46 Section 3. Section 5-182.9 of the Broward County Code of Ordinances is
47 hereby amended to read as follows:

48 **Sec. 5-182.9. Adequacy of school sites and facilities.**

49 . . .

50 (b) *Development subject to adequacy determination.*

51 . . .

52 (2) In order to provide lands, facilities, or funds to be used to meet the need for
53 school sites and facilities created by residential development, a developer
54 must satisfy one (1) of the following three (3) requirements, or a combination
55 thereof:

56 . . .

57 c) Deposit in a nonlapsing account, established and maintained by the
58 County, an amount of money as set forth in the fee schedule below,
59 as adjusted and in effect at the time of payment, for each dwelling
60 unit to be constructed within the developed area. Any money paid to
61 the County under this section shall be reimbursed to the developer if
62 the County is presented with credible evidence from the appropriate
63 municipality that one (1) of the following has occurred: No building
64 permit application was filed within thirty (30) days after the Urban
65 Planning Division approval authorized under Section 27-66 of the

66 Code of Ordinances; the building permit application has expired; or
67 the building permit was issued and has expired. The amount of
68 money to be deposited for each dwelling unit to be constructed shall
69 be as follows:

70 Fee assessments and credits shall occur during the review of
71 construction plans submitted for County Environmental Review
72 Approval required by Section 27-66, Broward County Code of
73 Ordinances, with the payment occurring no later than at the time of
74 building permit issuance. Payments shall not be accepted prior to
75 this review. No building permit shall be issued by the County or by
76 any municipality without confirmation from the Urban Planning
77 Division that the applicable school impact fees have been paid.

78 The developer shall comply with c) hereof, unless the County
79 Commission, upon recommendation of the School Board,
80 determines that the developer shall comply with a) or b) hereof.

81 SCHOOL IMPACT FEE SCHEDULE

80a	<i>Dwelling Type</i>	<i>Bedrooms</i>	<i>-Fee Per Unit-</i>		
80b			<i>Eff. 1/26/16</i>	<i>Eff. 11/1/20</i>	<i>Eff. 1/1/22</i>
80c	Single Family	3 or fewer	\$6,558.00		\$8,809.00
80d	<u>Single Family</u>	4 or more	8,241.00		11,070.00
80e	Townhouse, Duplex, Villa	2 or fewer	3,783.00		4,918.00

80f	<u>Townhouse,</u> <u>Duplex, Villa</u>	3 or more	6,418.00		7,377.00
80g	Garden Apartment	1 or fewer	358.00		480.00
80h	<u>Garden</u> <u>Apartment</u>	2	4,182.00		4,918.00
80i	<u>Garden</u> <u>Apartment</u>	3 or more		5,901.00	<u>5,901.00</u>
80j	Midrise	1 or fewer	279.00		375.00
80k	<u>Midrise</u>	2 or more	1,098.00		1,475.00
80l	High Rise	All	344.00		461.00
80m	Mobile Home	2 or fewer	2,955.00		3,688.00
80n	<u>Mobile Home</u>	3 or more	6,440.00		8,016.00

82 . . .

83 (5) For purposes of this section, the estimated number of students generated
84 by dwelling type is hereby found to be as follows:

85 STUDENT GENERATION RATES

84a	<i>Dwelling</i>	<i>Bedrooms</i>	<i>Elementary</i>	<i>Middle</i>	<i>High-School</i>	<i>Total</i>
	<i>Type</i>		<i>School</i>	<i>School</i>		<i>Rate</i>
84b	Single	3 or fewer	0.167	0.070	0.131	0.368
	<u>Family</u>					<u>0.288</u>
	<u>Homes</u>					

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.

84c	<u>Single</u>	4 or more	0.218	0.115	0.167	0.500
	Family					<u>0.422</u>
	Homes					
84d	Townhouse,	2 or fewer	0.102	0.039	0.059	0.200
	Duplex, Villa					
84e	<u>Townhouse,</u>	3 or more	0.142	0.056	0.102	0.300
	<u>Duplex, Villa</u>					
84f	Garden	1 or fewer	0.079	0.060	0.001	0.140
	Apartment					<u>0.129</u>
84g	<u>Garden</u>	2	0.053	0.007	0.140	0.200
	<u>Apartment</u>					
84h	<u>Garden</u>	3 or more	0.088	0.047	0.105	0.240
	<u>Apartment</u>					<u>0.250</u>
84i	Midrise	1 or fewer	0*	0*	0.030	0.030
						<u>0.023</u>
84j	<u>Midrise</u>	2 or more	0.022	0.019	0.039	0.080
						<u>0.060</u>
84k	High Rise	All	0.009	0.015	0.006	0.030
						<u>0.017</u>
84l	Mobile	2 or fewer	0.073	0.036	0.041	0.150
	Home					<u>0.152</u>
84m	<u>Mobile</u>	3 or more	0.159	0.078	0.089	0.326
	<u>Home</u>					<u>0.330</u>

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86 ~~*No students were observed.~~

87 . . .

88 Section 4. Severability.

89 If any portion of this Ordinance is determined by any court to be invalid, the invalid
90 portion will be stricken, and such striking will not affect the validity of the remainder of this
91 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
92 legally applied to any individual, group, entity, property, or circumstance, such
93 determination will not affect the applicability of this Ordinance to any other individual,
94 group, entity, property, or circumstance.

95 Section 5. Inclusion in the Broward County Code of Ordinances.

96 It is the intention of the Board of County Commissioners that the provisions of this
97 Ordinance become part of the Broward County Code of Ordinances as of the effective
98 date. The sections of this Ordinance may be renumbered or relettered and the word
99 "ordinance" may be changed to "section," "article," or such other appropriate word or
100 phrase to the extent necessary to accomplish such intention.

101 Section 6. Effective Date.

102 This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ Alexis Marrero Koratich 08/20/2024
Alexis Marrero Koratich (date)
Assistant County Attorney

By: /s/ Maite Azcoitia 08/20/2024
Maite Azcoitia (date)
Deputy County Attorney

AIK/gmb
Student Generation Rates & Impact Fee Ratification Ord
08/20/2024
#41005

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