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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

MEMORANDUM

Agenda Item No. 11(A)(4)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: February 6, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to study the efficacy of Miami-Dade County's educational facilities impact fees program, including the formula for calculating the fee and the size of the benefit districts wherein impact fee revenues may be expended, to negotiate with the School Board of Miami-Dade County as to any revisions to the impact fee ordinance, and to prepare a report with recommendations on revisions to the educational facilities impact fee program

Resolution No. R-122-24

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Danielle Cohen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/uw

MDC001



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: February 6, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(4)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(4)
2-6-24

RESOLUTION NO. R-122-24

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO STUDY THE EFFICACY OF MIAMI-DADE COUNTY'S EDUCATIONAL FACILITIES IMPACT FEES PROGRAM, INCLUDING THE FORMULA FOR CALCULATING THE FEE AND THE SIZE OF THE BENEFIT DISTRICTS WHEREIN IMPACT FEE REVENUES MAY BE EXPENDED, TO NEGOTIATE WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY AS TO ANY REVISIONS TO THE IMPACT FEE ORDINANCE, AND TO PREPARE A REPORT WITH RECOMMENDATIONS ON REVISIONS TO THE EDUCATIONAL FACILITIES IMPACT FEE PROGRAM

WHEREAS, Miami-Dade County has more than 2.6 million residents; and

WHEREAS, there are more than 330,000 students enrolled in Miami-Dade County Public Schools; and

WHEREAS, new residential developments add additional students to the public school population, which generates a need for additional student stations in the affected neighborhoods and areas; and new residential developments necessitate the expansion of educational facilities for the specific neighborhoods and areas where the new development occurs; and

WHEREAS, in 1995, pursuant to chapter 163 and sections 235.19 and 235.193 of the Florida Statutes, this Board adopted Ordinance No. 95-79, since codified as Chapter 33K of the Code of Miami-Dade County, Florida ("County Code"), which created the educational facilities impact fee (the "Educational Facilities Impact Fee Ordinance"); and

WHEREAS, pursuant to Resolution No. R-1189-95, this Board approved the Interlocal Agreement Between Dade County and the School Board of Dade County, Florida relating to Educational Facilities Impact Fee Monies, which governed expenditure of the educational facilities impact fee funds; and

WHEREAS, pursuant to Resolution No. R-832-00, this Board approved the First Amended Interlocal Agreement Between Dade County and the School Board of Dade County, Florida relating to Educational Facilities Impact Fee Monies (the “Impact Fee Interlocal”), and that version remains the operative agreement; and

WHEREAS, Section 3 of the Impact Fee Interlocal provides that “the County shall not enact changes, modifications, deletions or additions to the Impact Fee Ordinance or the Impact Fee Manual that will impose any additional obligations upon School Board or impart any obligation of the Board unless the Board expressly approves and agrees to the same in writing”; and

WHEREAS, section 33K-6 of the Educational Facilities Impact Fee Ordinance contains the following formula for calculation of fees paid by all new residential developments to go towards the construction of new public educational facilities:

New Residential Unit Size

(square feet)

×

Square Footage Fee

(\$0.90)

+

Base Fee

(\$600.00)

+

2% Administrative Fee

=

Educational Facilities Impact Fee; and

WHEREAS, section 33K-6 contains the following formula for calculation of fees paid by existing residential developments that are being redeveloped with increased unit size to go towards the construction of new public educational facilities:

Increase in Unit Size

(square feet)

×

Square Footage Fee

(\$0.90)

+

2% Administrative Fee

=

Educational Facilities Impact Fee; and

WHEREAS, section 33K-10(a) created three educational impact fee benefit districts within the County; and

WHEREAS, with only three districts, the districts are all geographically expansive and the areas covered are not compact or discreet; and

WHEREAS, while educational impact fees must stay within the benefit district where they are collected, practically, the fees may be used or credited at school facilities many miles away from the new residential developments; and

WHEREAS, the formula for calculating the educational impact fee has not been revised since it was first adopted in 1995; and

WHEREAS, in 2005, the then-operative provisions of section 163.3180 of the Florida Statutes required Miami-Dade County (the “County”) and the School Board of Miami-Dade County (the “School Board”) to develop and implement a concurrency management system, to ensure that public school facilities met an adopted level of service and were provided concurrently with new residential development; and

WHEREAS, accordingly, in 2008, this Board adopted Ordinance No. 08-74, which amended the County’s Comprehensive Development Master Plan to provide for an educational facilities concurrency management system, and in 2009, pursuant to Resolution No. R-423-09, this Board approved the Interlocal Agreement for Public School Facility Planning Between Miami-Dade County and the Miami-Dade County Public Schools (the “Concurrency Interlocal”) to implement educational facilities concurrency as then required by State law; and

WHEREAS, section 3.3 of the Concurrency Interlocal provides for the County and School Board to review the Educational Facilities Impact Fee Ordinance, its formula, and the Educational Facilities Impact Fee Methodology and Technical Report, every three years and if appropriate make recommendations for revisions to the Board of County Commissioners; and

WHEREAS, section 3.3 further states that the School Board and County will provide for local government, industry, and citizen participation and input, prior to submitting recommendations for substantive revisions, including the adjustment of impact fee structure or benefit district boundaries; and

WHEREAS, this Board wishes to implement the policy contained within the Concurrency Interlocal to review and provide for public input over the educational impact fee formula,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are incorporated as if set forth herein and are approved.

Section 2. The County Mayor or County Mayor's designee is directed to: study the efficacy of Miami-Dade County's educational facilities impact fee program, including the formula for calculating the fee, the scope and size of the benefit districts wherein impact fee revenues may be expended, and any other matters that may warrant revision by this Board; collaborate with the School Board and its consultants to collect and analyze data required for a statutorily compliant, consumption-based educational facilities impact fee ordinance; solicit input from other local governments, affected industries, and County residents as part of the study; negotiate with the School Board on any changes to the Educational Facilities Impact Fee Ordinance that may be necessary or appropriate; prepare a report to this Board regarding the results of such study and negotiations; and provide recommendations as to any proposed revisions to the educational facility impact fee program.

Section 3. The County Mayor or County Mayor's designee shall provide the report to this Board within 90 days of the effective date of this resolution and place the completed report on an agenda of the full Board without committee review pursuant to rule 5.06(j) of the Board's Rules of Procedure.

The Prime Sponsor of the foregoing resolution is Commissioner Danielle Cohen Higgins. It was offered by Commissioner **Eileen Higgins**, who moved its adoption. The motion was seconded by Commissioner **Anthony Rodriguez** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	absent
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 6th day of February, 2024. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

JUAN FERNANDEZ-BARQUIN, CLERK



By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Lauren E. Morse