

**ORDINANCE NO. 14- 175**

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, ADOPTING A REVISED REGULAR LIEN LETTER FEE AND ESTABLISHING AN EXPEDITED LIEN LETTER FEE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Miami Lakes (the “Town”) is a municipal corporation with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town frequently receives requests for lien searches from title companies, banks, financial institutions, attorneys, and other entities and individuals for which the Town has been charging a processing fee of \$20.00 since 2002; and

**WHEREAS**, the Office of the Town Clerk conducted a survey of the charges that other municipalities in Miami-Dade County charge for similar lien search requests and the turnaround time for said services; and

**WHEREAS**, based upon the results of the survey, it is evident that the Town is not charging an amount comparable with other municipalities in the County for this service, and after further consideration it has been determined that the amount charged by the Town does not adequately reflect the administrative time and costs to the Town incurred in the processing of these requests; and

**WHEREAS**, when a lien search request is received by the Town, it requires the staff time of at least three Town departments, including but not necessarily limited to the Town Clerk’s office, the Town’s Code Enforcement Department, and the Town’s Building Department; and

**WHEREAS**, in light of the processing time and cost to the Town, the charges imposed by other municipalities in the County for the same service, and the fact that the charge for this Town service has not been increased for over 12 years, Town staff recommends that the charge for lien searches be increased; and

**WHEREAS**, Town staff recommends that the charge for a regular lien letter, which is defined as a lien search request that may take three or more business days to complete from the date the paid request is received by the Town, be increased to provide for full cost recovery by the Town from \$20.00 to \$50.00; and

**WHEREAS**, Town staff further recommends that the charge for an expedited lien letter, defined as those lien search requests where the requestor seeks the lien search to be concluded and the lien letter to be provided within two business days from the date the paid request is received by the Town, be established at \$100.00; and

**WHEREAS**, the Town Council hereby finds that that Town staff's recommendation is fair and equitable and necessary to ensure that the public time devoted to this service be compensated to some level of degree; and

**WHEREAS**, the Town Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate and advances the public interest.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The foregoing recitals are true and correct and are incorporated herein by this reference.

**Section 2. Service Fee Established for Lien Letters.** The Code of the Town of Miami Lakes is hereby amended to include the Town of Miami Lakes' Lien Letter Fee in Chapter 37, Article I, Section 37-2, which shall read as follows<sup>1</sup>:

The intent of this section is to establish a charge for lien search requests. A fee for processing a lien search request and providing a lien letter shall be required and paid at the time the lien search request is made. Regular lien searches and lien letters may take three or more business days to complete from the date the paid request is received by the Town. Expedited lien searches are defined as those where the requestor seeks the lien search to be concluded and the lien letter to be provided within two business days from the date the paid request is received by the Town. Upon passage of the ordinance from which this section is derived, the fee for a regular lien letter shall be \$50.00 per parcel of real property and the fee for an expedited lien letter shall be \$100.00 per parcel of real property. The Town Council may modify these fees by resolution.

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<sup>1</sup> Additions to the text are shown in underline and deletions from the text are shown in ~~strikethrough~~.

**Section 3. Implementation.** The Town Manager and/or his or her designee is authorized to take all actions necessary to implement the provisions of this Ordinance, including but not limited to the adoption of administrative rules.

**Section 4. Repeal of Conflicting Provisions.** All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

**Section 5. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 6. Inclusion in the Town Code.** It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Article”, “Division” or other appropriate word.

**Section 7. Effective Date.** This Ordinance shall become effective immediately upon its adoption on second reading.

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**FIRST READING**

The foregoing ordinance was offered by Councilmember Tony Lama who moved its adoption on first reading. The motion was seconded by Councilmember Nelson Rodriguez and upon being put to a vote, the vote was as follows:

Mayor Wayne Slaton	<u>Yes</u>
Vice Mayor Manny Cid	<u>Yes</u>
Councilmember Tim Daubert	<u>Yes</u>
Councilmember Tony Lama	<u>Yes</u>
Councilmember Ceasar Mestre	<u>Yes</u>
Councilmember Frank Mingo	<u>Yes</u>
Councilmember Nelson Rodriguez	<u>Yes</u>

Passed and adopted on first reading this 23<sup>rd</sup> day of September, 2014.

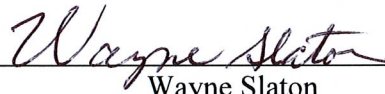
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**SECOND READING**

The foregoing ordinance was offered by Councilmember Cid who moved its adoption on second reading. The motion was seconded by Councilmember Rodriguez and upon being put to a vote, the vote was as follows:

Mayor Wayne Slaton	<u>Yes</u>
Vice Mayor Manny Cid	<u>Yes</u>
Councilmember Tim Daubert	<u>Yes</u>
Councilmember Tony Lama	<u>Yes</u>
Councilmember Ceasar Mestre	<u>Yes</u>
Councilmember Frank Mingo	<u>Yes</u>
Councilmember Nelson Rodriguez	<u>Yes</u>

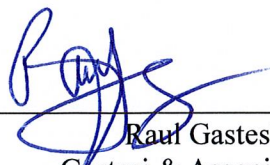
Passed and adopted on second reading this 14<sup>th</sup> day of October, 2014.

  
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Wayne Slaton  
MAYOR

Attest:

  
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Marjorie Tejeda  
TOWN CLERK

Approved as to form and legal sufficiency:

  
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Raul Gastesi, Jr.  
Gastesi & Associates, P.A.  
TOWN ATTORNEY