

ORDINANCE NO. 26-357

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA; AMENDING CHAPTER 8, SECTION 8-7 OF THE TOWN OF MIAMI LAKES CODE OF ORDINANCES TITLED “RECOVERY OF UNPAID CIVIL PENALTIES; UNPAID PENALTY TO CONSTITUTE A LIEN; INTEREST TO BE PAID ON LIENS; FORECLOSURE; PROHIBITION OF THE ISSUANCE OF PERMITS, LICENSES, CERTIFICATES OF USE AND OCCUPANCY OR ZONING APPROVALS TO VIOLATORS WITH UNPAID CIVIL PENALTIES OR LIENS; CIVIL PENALTY REDUCTION;” TO TEMPORARILY REINSTATE PRIOR LIEN MITIGATION SCHEDULES; TO REQUIRE TOWN COUNCIL APPROVAL PRIOR TO FORECLOSURE ON NON-HOMESTEAD PROPERTY; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Dieguez)

WHEREAS, the Town of Miami Lakes (the “Town”) Code provides for the imposition of fines related to violations of the Town Code, and provides mechanisms for fine mitigation; and

WHEREAS, on May 19, 2026, Mayor Joshua Dieguez introduced a New Business Item entitled “Revised Lien Reduction Ordinance,” requesting that the Town Council reconsider a temporary lien reduction program and proposing a more limited approach, including reducing the application period to two (2) months; and

WHEREAS, the Town Council finds it appropriate to temporarily reinstate the civil penalty reduction schedule previously established under Ordinance No. 17-202 for a one-time period of two (2) months, commencing on the date the Town deposits certified mail notices to all property owners with active liens with the United States Postal Service, to allow property owners with existing liens a final opportunity to seek mitigation under the more favorable prior schedule; and

WHEREAS, upon expiration of the two (2) month program period, the civil penalty reduction schedule adopted by Ordinance No. 24-332 shall be automatically reinstated and shall govern all subsequent lien mitigation proceedings; and

WHEREAS, the Town Council further finds it to be in the best interest of the public to require Town Council approval by majority vote prior to the Town initiating foreclosure proceedings on any non-homestead property encumbered by a code enforcement lien, in order to ensure adequate legislative oversight of such actions; and

WHEREAS, the Town Council desires to amend Section 8-7 accordingly.

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES AS FOLLOWS:

Section 1. **Recitals.** Each of the above-mentioned recitals is true and correct and is incorporated herein by this reference.

Section 2. **Amendment to Chapter 8, Section 8-7, of the Town Code of Ordinances.**
Chapter 8, Section 8-7, of the Town of Miami Lakes Code of Ordinances is hereby amended as follows:

(b) The Town of Miami Lakes may institute proceedings in a court of competent jurisdiction to compel payment of civil penalties. A certified copy of an order imposing a civil penalty may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists or upon any other real or personal property owned by the violator; and it may be enforced in the same manner as a court judgment by the sheriffs of this State, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After three months from the filing of any such lien which remains unpaid, the Town of Miami Lakes may foreclose or otherwise execute on the lien, **provided, however, that prior to initiating any foreclosure action against non-homestead property, the Town shall first bring the matter before the Town Council and obtain approval by a majority vote of the Town Council.** This requirement shall apply in addition to, and shall not limit, any other procedural requirements set forth in this Code or applicable law.

(e)(4) Civil Penalty Reduction – One-Time Two-Month Lien Reduction Program.

For a one-time period of two (2) months commencing on the Program Commencement Date (as defined below) (the “Program Period”), all requests for reduction of civil penalties for liens in existence as of the effective date of this Ordinance shall be governed by the

civil penalty reduction schedule previously established under Ordinance No. 17-202, as set forth in subsections a. through c. below (the "Prior Schedule"). Upon expiration of the Program Period, the civil penalty reduction schedule adopted pursuant to Ordinance No. 24-332 shall be automatically reinstated and shall govern all pending and future reduction requests without further action by the Town Council.

Notification; Program Commencement Date. The Town shall notify all property owners with active liens existing as of the effective date of this Ordinance of the Program Period and the applicable reduction schedule by depositing notice via certified mail with the United States Postal Service. The date on which the Town deposits such certified mail notices with the United States Postal Service shall constitute the "Program Commencement Date." If service by certified mail is unsuccessful, the Town shall also effectuate notice by hand delivery and/or by posting the property in accordance with applicable law; however, such alternative service shall not extend the Program Period beyond its established expiration date.

(1) Prior Mitigation Schedule (Applicable During Program Period). The following reduction schedule shall apply to all qualifying liens during the Program Period:

- a. For owner-occupied residential property:** An approximate reduction to an amount equal to the value of one (1) day's fine.
- b. For non-owner-occupied residential property and entity-owned property:** A maximum reduction of seventy-five (75) percent of the total civil penalty (the original civil penalty plus the continuing civil penalty amounts, if any, including interest).
- c. For bank-owned properties:** A maximum reduction of fifty (50) percent of the total civil penalty (the original civil penalty plus the continuing civil penalty amounts, if any, including interest).

(2) Program Duration and Eligibility. The reduction amounts set forth in subsections a. through c. above shall be available only for the two (2) month Program Period commencing on the Program Commencement Date. The Program Period shall expire on a date certain to be identified by the Town, regardless of the date of actual receipt or delivery of any individual notice. Property owners must submit a completed application for lien reduction within the Program Period to be eligible for consideration under this section. Any applications received after expiration of the Program Period shall not be accepted or processed.

(3) Program Termination and Reversion. Upon expiration of the two (2) month Program Period, (i) this one-time lien reduction program shall automatically terminate; and (ii) the civil penalty reduction schedule adopted pursuant to Ordinance No. 24-332, as codified in Section 8-7(e)(4)a. through c. prior to this temporary amendment, shall be automatically reinstated and shall govern all subsequent reduction requests without further action by the Town Council.

(4) Post-Program Reporting and Enforcement. Within sixty (60) days following expiration of the Program Period, the Town Manager shall present a written report to the Town Council identifying all properties with active, unresolved liens. The Town Council shall use such report to consider further enforcement actions, including but not limited to foreclosure proceedings in accordance with Section 8-7(b) of the Town Code and Chapter 162, Florida Statutes.

(5) Existing Provisions. All other provisions of Section 8-7, including subsections (a) through (d) and (e), as amended by Ordinance No. 24-332, except as expressly modified by this Ordinance, shall remain in full force and effect.

Section 3. 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 4. 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 5. 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 6. Effective Date. That this Ordinance shall be effective immediately upon its adoption on second reading.

****THIS PORTION HAS BEEN LEFT PURPOSEFULLY BLANK****

FIRST READING

The foregoing Ordinance was offered by Mayor Dieguez who moved its adoption on first reading. The motion was seconded by Councilmember Sanchez and upon being put to a vote, the vote was as follows:

Mayor Joshua Dieguez	Yes
Vice Mayor Bryan Morera	Yes
Councilmember Juan Carlos Fernandez	Yes
Councilmember Angelo Cuadra-Garcia	Yes
Councilmember Ray Garcia	Yes
Councilmember Steven Herzberg	Yes
Councilmember Alex Sanchez	Yes

Passed and adopted on first reading this 16th day of June 2026.

SECOND READING

The foregoing Ordinance was offered by Mayor Dieguez who moved its adoption on second reading. The motion was seconded by Vice Mayor Morera and upon being put to a vote, the vote was as follows:

Mayor Joshua Dieguez	Yes
Vice Mayor Bryan Morera	Yes
Councilmember Juan Carlos Fernandez	Yes
Councilmember Angelo Cuadra-Garcia	Yes
Councilmember Ray Garcia	Yes
Councilmember Steven Herzberg	Yes
Councilmember Alex Sanchez	Yes

Passed and adopted on second reading this 21st day of July 2026.



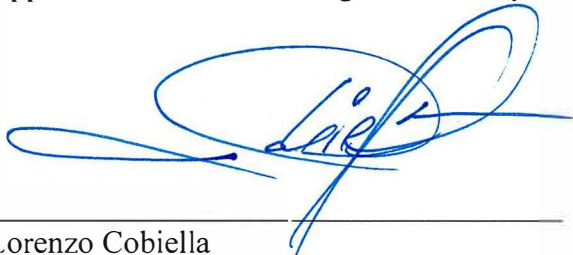
Joshua Dieguez
Mayor

Attest:



Gina M. Inganzo
Town Clerk

Approved as to form and legal sufficiency:



Lorenzo Cobiella
Gastesi, Lopez and Mestre, PLLC
Deputy Town Attorney