Regular Workshop – March 17, 2014
Agenda Item 9

Agenda Item:	Proposed Ordinance 2014-15, Establishing Fees for Lien Searches
Presenter:	Town Manager
Summary:	The Town Clerk and Finance Director receive numerous requests for lien searches on properties located with the Town's municipal boundaries. Town staff has established a system and fee structure to accommodate these requests and has developed a fee recommendation for Commission consideration. Proposed Ordinance 2014-15 establishes a fee structure for lien searches that is consistent with other governmental agencies.
Attachments:	03-10-14 Memo, Town Clerk to Manager; Proposed Ordinance 2014-15; Survey of Governmental Entities Established Lien Search Fees.
Recommended Action:	Pending discussion, provide direction to Manager.

MEMORANDUM

Date: March 10, 2014

TO: David Bullock, Town Manager

FROM: Trish Granger, Town Clerk

SUBJECT: Proposed Ordinance 2014-15 Establishing Fees for Lien Searches

The Town Clerk's Office, in addition to the Finance Department, has been receiving numerous requests for lien searches on properties located within the Town's municipal boundaries. Due to the volume of requests received (averaging three to four per day), the Town Clerk engaged other governmental agencies who are being requested to perform these services to determine their process and any fee that they may assess.

Following review of the fees charged by other governmental entities, the Finance Department Director has indicated that a fee of $25 for staff time would be a reasonable fee to in relation to the lien research services provided by Town staff when such services are requested during the normal course of business (within a three to five day response period). If an entity requests an expedited response, the Finance Department Director has indicated that $40 for staff time would be reasonable fee in relation to expedited lien research services provided by Town staff for rushing requesting party's requests given the changes in staff's daily schedule/duties and established deadlines.

The requests, when received, are forwarded to various departments to determine what, if any, liens or title encumbrances have been placed on properties. Many of the inquiries received request an expedited response. As the Town does not currently have any system in place to accommodate a lien search, individual departments search their records to determine if any liens (including Code Enforcement proceedings) and/or any past due billings (water and/or EMS) have been filed or are pending. The individual(s) seeking such lien research receive a special benefit from the services provided by Town staff.

Proposed Ordinance 2014-15 was drafted to establish fees for the services being requested. The recommended fees are consistent with those charged by other governmental agencies.

Please don't hesitate to contact me if you have any questions.

ORDINANCE 2014-15

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, ESTABLISHING A NEW FEE SCHEDULE PERTAINING TO LIEN RESEARCH SERVICES, PROVIDING FOR ADDITIONAL FEES FOR EXPEDITED RESPONSE OF A REQUEST; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on a routine basis, persons and/or business entities request the Town of Longboat Key perform lien research services on individual parcels within the Town's boundaries to determine if any Town liens, special assessments, utility balances, fines or other fees exist on certain parcels of real property; and

WHEREAS, each lien search request requires the expenditure of significant Town staff time searching for, duplication, faxing, and providing written records of information identified, if any, by each Department; and

WHEREAS, the lien information researched, gathered, and provided to the requesting party by Town staff confers a special benefit on the requesting party; and

WHEREAS, untimely submission of requests for lien research causes an additional time constraints and interruption of assigned duties for Town staff who must route the request through the process in an effort to finalize the request prior to the due date submitted with the request; and

WHEREAS, the history and frequency of these requests has impressed upon the Town Commission the need for the Town to adopt reasonable fees to cover the cost of such research services by Town staff; and

WHEREAS, the collection of such fees by the Town will offset the cost of research and processing of the request by the Town Clerk's Office, the Finance Department, the Planning, Zoning, and Building Department, the Public Works Department, the Fire Department, and the Police Department.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF LONGBOAT KEY, FLORIDA, THAT:

SECTION 1. The Whereas clauses above are ratified and confirmed as true and correct.

SECTION 2. The fees and charges set forth herein are hereby adopted.

SECTION 3. The fee to be submitted with each request for lien research services, on the form attached hereto (Exhibit A), shall be set as follows for each Parcel Identification Number/Address or Name submitted:

Days Submitted Prior to Required Response Date	Amount of Research Request Fee
Normal: 3 to 5 Work Days	$25.00
Expedited: 1 to 2 Work Days (24 to 48 hours)	$40.00

SECTION 4. The fee is a non-refundable fee, shall be paid in advance of the receipt of response, and will be used to compensate the Town for the costs associated with Town staff performing the requested administrative processing and lien research services. The requesting party shall be responsible for paying the applicable fee to the Town for the lien research services provided.

SECTION 5. The responsible Town departments shall provide information regarding whether a lien in favor of the Town exists on the property identified by the requesting party, within the time requested and the fee collected, which will be based upon records retained by the Town.

SECTION 6. The Town of Longboat Key assumes no liability for errors or omissions when performing lien research services. All liens held by the Town of Longboat Key are lawfully recorded in the Official Records of the Clerk of Circuit Court in the County in which the property is situated.

SECTION 7. Nothing herein shall be construed to alter the Town's obligations to produce public records pursuant to Chapter 119, Florida Statutes. The scope of this Ordinance shall be limited to setting forth a reasonable fee schedule that shall be assessed against parties receiving a special benefit associated with Town provided lien research services.

SECTION 8. If any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

SECTION 9. This Ordinance shall become effective immediately upon adoption.

Passed on first reading the _____ day of _____, 2014.

Adopted on second reading and public hearing the _____ day of _____, 2014.

_____
James L. Brown, Mayor

ATTEST:

_____
Trish Granger, Town Clerk

Attachment: Exhibit A

EXHIBIT A

LIEN INQUIRY FORM

Date Submitted: _____ Date Response Requested: _____

TO:
Town of Longboat Key
Office of the Town Clerk
501 Bay Isles Road
Longboat Key, FL 34228
Fax: 941-316-1656

FROM:
Contact Name: _____
Address: _____
Company: _____
Phone: _____
E-mail or Fax: _____

NOTE: Please include all of the information requested below to ensure a timely response. All requests must include the payment of $25.00 for a normal search (3-5 business days) or $40.00 for an expedited (24-48 hours) search. Requests received after 4:00 p.m. during normal business days, will be processed the following business day. Checks should be made payable to the Town of Longboat Key for each address/folio number. Credit card payments will be accepted over the phone, however, a confirming e-mail authorizing such charges will be required prior to processing the request. Limit one address/name per form.

Property Address: _____

Parcel I.D. #/Folio #: _____

Legal Description: _____
(Lot, Block, and Subdivision)

Name of Owner/Seller: _____

Anticipated Closing Date: _____

Type of Property: _____ Residential Single Family _____ Condominium Unit

_____ Commercial Property _____ Multiple Dwelling _____ Vacant Lot/Parcel

☐ **Check this box if you are also requesting information on any open/pending Code Enforcement cases for this property.**

_____ _____
Printed Name and Title Signature

DISCLAIMER

Without guarantee, every effort will be made to process this request within 3 to 5 business days from the date of receipt. It is the responsibility of the individual and/or organization making the above inquiry to ensure that all recorded liens are referenced in this report. The Town's failure to include any recorded lien does not negate the liability of the requester. All recorded liens may be found in the Official Records of the Clerk of the Circuit Court in the County the property is situated in.

Town Staff Only:
Date Received: _____ Date Responded: _____
Fee Collected: _____ Cash ___ Check ___ Credit/Debit Card _____

MUNICIPAL LIEN SEARCH FEE SURVEY

Altamonte Springs	$10 per parcel address
Arcadia	$15 per request, payment required in advance for 24 hour response
Atlantic Beach	$10 per letter per parcel, 5 day advance notice
Bal Harbour Village	$50 for 2-4 day response; $100 for one day service per address
Bal Harbor Islands	$50 for a 5-7 day response time
Belle Glade	$25 for a 7 day response; $50 for a 4-7 day response; $75; less than 4 day response
Belleview	$75 per parcel
Brooksville	Does not provide service
Clermont	No Charge
Cocoa Beach	$30 for a lien search; $5 additional for account history; $40 for same day search (within 24 hours).
Coral Springs	$75 for a 7 business day response; $125 for a 24 hour response
Davie	$50 for a 5-7 day response; $100 - 24 hour response
Edgewater	$30 for a 3-5 day response
Ft. Myers	$22 for a 3-5 day response
Haines City	$50 for a 3-5 business day response; $100 for a 1-2 business day response
Hallandale Beach	$125 per property
Howey-in-the-Hills	$20 for 2 or more business day response; $40 for same business day response
Lauderdale by the Sea	$50 per parcel
Longwood	$15 per parcel/name
Margate	$25 for a 5-7 day response; $50 rush response (less than 5 days)
Mascotte	$20 per parcel
Miramar	$35 for a 5-7 business day response; $60 for a 3 business day response; $100 for an expedited response (less than 3 days)
Naples	$25 per parcel
North Bay Village	$75 per parcel, $100 for an expedited response
North Port	$25 per parcel
North Lauderdale	$40 for a 3-4 day response
Oakland Park	$75 for a 10 day response. Additional $25 for all requests processed less than 10 days
Parker City	No charge
Pembroke Pines	$50 automated search / $100 manual search
Pinellas Park	$25 per parcel
Plantation	$52.50 for a 5-10 day response, $125 expedited response
Pompano Beach	$110 for a 2-4 day response

MUNICIPAL LIEN SEARCH FEE SURVEY

Port Orange	$25 for one week (5 business days) response, $50 for less than 5 days
Sanibel Island	$20 for a 2 or more business day response; $25 next day response; $30 same day response
Sunrise	$100 for 5 day response
Tallahassee	$37.50 per parcel
Tavares	$50 per parcel
Tequesta Village	$25 for a 3-5 day response; $50 for 24 hour rush service. (Response includes Utilities, Code, Permitting and Accounts Receivable)
Wauchula	Does not charge
Winter Garden	$30 for a 5-7 day response

End of Agenda Item