

M E M O R A N D U M

To: Tom Harmer, Town Manager
From: Susan Smith, Finance Director
Report date: March 24, 2022
Meeting date: April 4, 2022

Subject: Ordinance 2022-06, Repealing Ordinance 2014-15 Establishing Fees for Lien Search; Resolution 2022-04 Establishing Fees for Lien Search

Recommended Action

Adopt Ordinance 2022-06 and pass Resolution 2022-04.

Background

On a routine basis the Town performs lien search 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. This service is typically associated with the sale and purchase of real property. The Town established a fee for such services through the adoption of Ordinance 2014-15 on May 5, 2014. The Ordinance was never codified as fees of this type do not amend, or are they reflected, in the Town Code.

At the March 7, 2022, Regular Meeting, the Town Commission forwarded Ordinance 2022-06, to the April 4 2022, Regular Meeting, repealing Ordinance 2014-15, that set the existing lien search fees, so that it can be replaced with a Resolution to set fees moving forward.

The Resolution 2022-04 is consistent with the way the Town establishes other fee schedules and eliminates the need for revising the current Ordinance in the event fees are adjusted in the future. These items are being presented together at the April 4, 2022, Regular Meeting, although they are presented on the agenda document as two individual items. This is due to one being handled as a public hearing for the Ordinance (to repeal an Ordinance), and the Resolution is presented in the Resolutions and Public Hearing portion of the agenda consistent with advertising and presentation as a Resolution.

The current fees charged by the Town for lien search services are \$25 for a three to five day turn around and \$40 for an expedited 24-hour service. Staff proposes changing the fee structure to one price of \$40.

Due to the booming real estate market in 2021, staff performed 1,145 Lien Search Requests, averaging almost five per day. At a minimum, each one takes at least 10 minutes, and up to 30 minutes or more, if there are findings. The Customer Service Specialist at the Police Department, under the supervision of Finance, currently performs these lien searches. This position has been tasked with additional administrative duties associated with accreditation, and other programs such as Resident Parking Permits, reducing the time available to process these lien search requests.

The Town has evaluated options, and plans to engage Orange Data Services, which offers a more efficient alternative to our current process. Orange Data provides this service to local

Florida governments throughout the State, including many in our area. This approach affords title companies a “One-Stop Shop” solution for their lien search needs.

The Town will continue to charge a \$40 processing fee, with Orange Data retaining \$12.50 per property address, and the Town retaining \$27.50. This is consistent with our current expedited fee, and Orange Data Services turnaround time is more consistent with the level of service in the current fee schedule. The amount retained by the Town is sufficient to cover staff time required to perform set up and maintenance of the database used by Orange Data as well as providing payoff amounts for properties that have outstanding charges.

Other entities that utilize Orange Data charge rates ranging from \$12.50 to \$162.50, shown below:

Entity Name	Amount	Entity Name	Amount	Entity Name	Amount
Manatee County	\$12.50	Temple Terrace	\$25.00	Oakland Park	\$75.00
Naples	\$12.50	South Daytona	\$30.00	Lighthouse Point	\$87.50
Windermere	\$12.50	Cocoa	\$35.00	Sarasota	\$87.50
Zephyrhills	\$12.50	Edgewater	\$42.50	Venice *	\$100.00
Eustis	\$17.50	Ocala	\$50.00	Anna Maria *	\$100.00
Cocoa Beach	\$25.00	Palmetto	\$50.00	Citrus County	\$100.00
Marco Island	\$25.00	Sanford	\$50.00	Town of Oakland	\$112.50
North Port	\$25.00	Winter Park	\$50.00	Delray Beach	\$115.00
Port Orange	\$25.00	Punta Gorda	\$60.00	Tequesta	\$120.00
Sarasota County	\$25.00	Gulf County	\$75.00	Lauderhill	\$162.50

* not Orange Data clients

Out of the 30 local governments listed, there are 13 charging less, and 17 charging more, than the proposed \$40 fee. Of the seven communities within Sarasota and Manatee Counties, 3 are charging less, and 4 are charging more than the proposed \$40 fee.

Ordinance 2022-06 repeals Ordinance 2014-15 adopted in 2014, and is being replaced with Resolution 2022-04 that will establish fees going forward.

Resolution 2022-04 will be passed, only if Ordinance 2014-15 is repealed by adoption of Ordinance 2022-06.

Staff Recommendation

Adopt Ordinance 2022-06, and pass Resolution 2022-04.

Attachments

- A. Ordinance 2022-06, repealing Ordinance 2014-15 (available in Town Clerk’s Office)
- B. Resolution 2022-04 (Available in Town Clerk’s Office)
- C. PowerPoint (available in Town Clerk’s Office)

End of Agenda Item