

ORDINANCE NO. 19-__

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, CREATING REGULATIONS FOR THE USE OF A PORTION OF FPL FRANCHISE FEE REVENUES; PROVIDING FOR THE CREATION OF A BUDGET LINE ITEM; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the on August 27, 2019, the Town of Miami Lakes (“the Town”) Council passed an Ordinance in Second Reading providing for an FPL Franchise Fee (“Franchise Fee”); and

WHEREAS, during the Sunshine Meetings, the Town Council discussed concerns regarding specific uses of FPL Franchise Fee dollars; and

WHEREAS, a suggestion was to ensure that monies in excess of 3% of collected Franchise Fee dollars would be used specifically for Town infrastructure projects; and

WHEREAS, the Town Council desires to codify the use of excess Franchise Fee Dollars, and provide a mechanism for its accounting; and

WHEREAS, adoption of the following ordinance is found necessary to address these concerns.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, HEREBY ORDAINS AS FOLLOWS.

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

Section 2. Approval. The Town Council hereby adopts the amendment as provided at Exhibit "A".

Section 3. Creation of Budget Line Item. Town Manager and his designee is authorized to create a budget line item described as “FPL Franchise Fee Infrastructure Account.”

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 All provisions of the Code of the Town of Miami Lakes, that are in conflict with this Ordinance, are hereby repealed.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 be included in the Town Code.

Section 7. Effective date. This Ordinance shall become effective immediately upon adoption.

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FIRST READING

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

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Carlos O. Alvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed on first reading this _____ day of _____, 2019.

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SECOND READING

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

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Carlos O. Alvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed and adopted on second reading this _____ day of _____, 2019.

Manny Cid
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

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

EXHIBIT A

Effective, October 1, 2021, all monthly FPL Franchise Fee revenue in excess of one-half (1/2) of the collected monthly FPL Franchise fee or \$125,000, whichever is greater, shall be used by the Town exclusively for:

1. Street repair or repaving
2. Sidewalk repair or replacement
3. Street lighting repair, replacement or enhancement
4. Tree trimming, removal or replacement
5. Stormwater system maintenance, repair, replacement or enhancement.

This requirement may be waived by Resolution of the Town Council.