

**ORDINANCE NO. 19-\_\_**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, CREATING REGULATIONS FOR THE USE OF FPL FRANCHISE FEES; 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. (Dieguez)**

**WHEREAS**, the on August 28, 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 2019 Budget Sunshine Workshops, the Town Council discussed concerns regarding specific uses of FPL Franchise Fee dollars; and

**WHEREAS**, a major concern was creating a means of ensuring that monies in excess of 3% of collected monthly Franchise Fee dollars would be used specifically for Town infrastructure projects; and

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

**WHEREAS**, adoption of the following ordinance is found necessary to address these concerns and in the best interest of the Town.

**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 Surplus Franchise Fee.”

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All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.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

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Manny Cid  
MAYOR

Attest:

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Gina Inganzo  
TOWN CLERK

Approved as to form and legal sufficiency:

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

## EXHIBIT A

Effective, October 1, 2021, all monthly FPL Franchise Fee (the “Franchise Fee”) revenue in excess of one-half(1/2) of the collected monthly Franchise Fee or ~~\$125,000~~ \$106,250, whichever is greater, shall be used by the Town exclusively for:

1. Street repair or repaving;
2. Sidewall repair or replacement;
3. Street lighting repair, replacement or enhancement;
4. Tree trimming, removal, replacement, or planting;
5. Stormwater system maintenance, repair, replacement or enhancement.
6. Excess monies, beyond \$106,250.00 in monthly Franchise Fee revenue, shall only be applied to bonds, matching grants, or other debt instruments that will either mature or require a match within a 5 year period, and that are allocated for the purposes outlined in paragraphs 1 through 4 of this section.
7. Funding levels for the projects listed in paragraphs 1 through 4, as they exist in fiscal year 2018-19 must be maintained from sources other than excess Franchise Fee revenue.
8. No Franchise Fee revenue shall be pledged toward any debt instrument or matching grant prior to October 1, 2021.

Additions to the text are shown in underlined; deletions from the text are shown in ~~strikethrough~~.

Omitted portions of this ordinance are shown as “\* \* \*”.