

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20050449

1. ACTION REQUESTED/PURPOSE:

Approve a resolution to amend the Lee County External Fees Manual (Administrative Code 3-10) to establish a fee for processing refund checks to people, companies, or corporations that write checks for amounts exceeding \$5.00 over the actual fee(s) for Recording closing documents in real estate transactions.

2. WHAT ACTION ACCOMPLISHES:

Offsets the costs of issuing county warrants for refunds to the title companies that routinely issue checks in excess of the known recording fee(s).

3. MANAGEMENT RECOMMENDATION:

4. Departmental Category:

A15A

5. Meeting Date:

04-19-2005

6. Agenda:

- Consent
- Administrative**
- Appeals
- Public
- Walk-On

7. Requirement/Purpose: (specify)

- Statute
- Ordinance
- Admin. Code
- Other**

8. Request Initiated:

Commissioner _____
Department Constitutional Officers
Division Clerk of Courts
By: Donna G. Harn
 Finance & Records Department

9. Background: The Clerk's Office issued an average of 1,800 checks a month during the first five months of this fiscal year for the sole purpose of refunding intentional overpayments for recording fees by title companies closing real estate transactions. The following table reflects the number of checks issued each month, the total dollar amount that was returned, and the cost of issuing the refunds:

<u>Month</u>	<u>No. of Checks</u>	<u>Dollar Amount of Checks</u>	<u>Cost of Issuance</u>
Oct	1,596	\$67,966.91	\$3,231.00
Nov	1,465	\$90,965.20	\$2,921.00
Dec	1,903	\$63,644.92	\$3,657.00
Jan	2,267	\$60,858.91	\$4,267.00
Feb	1,901	\$56,973.15	\$3,653.00

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
<i>[Signature]</i>				<i>[Signature]</i>	Analyst <i>[Signature]</i> 3/30/05	Risk <i>[Signature]</i> 3/21/05	Grants <i>[Signature]</i> 3/21/05	Mgr. <i>[Signature]</i> 4/19/05	<i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

Rec. by CbAtty
 Date: *3/30/05*
 Time: *2:45*
 Forwarded To:
 Admin
3/30/05

RECEIVED BY
 COUNTY ADMIN: *[Signature]*
3/30/05
3:30 pm
 COUNTY ADMIN
 FORWARDED TO:
4/7/05
1pm

WHH

LEE COUNTY RESOLUTION NO. _____

A RESOLUTION OF THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS RELATING TO AMENDMENTS TO THE LEE COUNTY ADMINISTRATIVE CODE AS ADOPTED BY LEE COUNTY ORDINANCE NO. 97-23; PROVIDING FOR APPROVAL OF CERTAIN AMENDMENTS TO THE LEE COUNTY ADMINISTRATIVE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is the governing body in and for Lee County, a political subdivision of the State of Florida; and,

WHEREAS, the Board of County Commissioners has previously enacted Lee County Ordinance No. 96-01, creating a charter form of government for Lee County pursuant to Section 125.80 and ff., Florida Statutes, and which was approved and ratified by the Electorate of Lee County on November 5, 1996; and,

WHEREAS, the Board of County Commissioners has previously enacted Lee County Ordinance No. 97-23, which adopted the Lee County Administrative Code pursuant to Section 2.2.E. of Ordinance No. 96-01, the Lee County Charter; and,

WHEREAS, Lee County Ordinance No. 97-23 at Section III allows and provides for amendments to the Lee County Administrative Code to be made by Resolution of the Board of County Commissioners at a regularly scheduled Board of County Commissioners' meeting; and,

WHEREAS, certain amendments to the Lee County Administrative Code are now being proposed, and the Board of County Commissioners finds that such proposed amendments are acceptable, serve a public purpose and are consistent with the terms

and conditions of Lee County Ordinance No. 96-01, the Lee County Charter.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS THAT:**

1. The above preamble is hereby accepted and approved as being true and accurate, and is adopted and incorporated herein as if set out further at length.
2. The proposed amendment(s) to the Lee County Administrative Code 3-10 (attached hereto as Exhibit A), is (are) approved, and are hereby directed to be incorporated into the Lee County Administrative Code as indicated in the amendment(s).
3. The provisions of this Resolution are severable, and it is the intention to confer to the whole or any part of this Resolution, the powers herein provided for. If any of the provisions of this Resolution shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the other remaining provisions of this Resolution. It is hereby declared to be the Board's legislative intent that this Resolution would have been adopted had such an unconstitutional provision not been included herein.
4. This Resolution shall become effective immediately upon its adoption by the Board of County Commissioners.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and,

being put to a vote, the vote was as follows:

ROBERT P. JANES	_____
DOUGLAS ST. CERNY	_____
RAY JUDAH	_____
ANDREW W. COY	_____
JOHN E. ALBION	_____

DULY PASSED AND ADOPTED this _____ day of _____, 20__.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney

DEPARTMENT Elected Officials

EXTERNAL FEE NUMBER

DIVISION Clerk of Courts

PURPOSE Processing Fee for Issuing Refund Checks

BASIS FOR FEE:

DATE APPROVED:

NOTE:

FEE FOR PROCESSING REFUND CHECKS

Fee for processing refund checks for individuals, companies or corporations that issue checks in excess of \$5.00 over the amount of monies owed for the recording of documents in the Official Records of the county.

Processing Fee for issuing refund checks

\$2.00