

RESOLUTION R-18-167

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, IMPOSING ANNUAL REGULATORY FEES FOR THE REGISTRATION OF REAL PROPERTY IN FORECLOSURE; PROVIDING LIMITATIONS ON SUCH REGULATORY FEES; PROVIDING FOR SEVERABILITY; REPEALING AND SUPERSEDING CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 125.01, Florida Statutes, authorizes the Board of County Commissioners of Manatee County to exercise regulatory powers that are not inconsistent with general or special law; and

**WHEREAS**, regulatory fees imposed under the sovereign power of a county cannot exceed the cost of the regulatory activity and must be applied solely to pay the cost of the regulatory activity for which they are imposed; and

**WHEREAS**, pursuant to Section 125.01, Florida Statutes, the Board of County Commissioners of Manatee County, Florida, approved and enacted Ordinance No. 18-43 on October 23, 2018; and

**WHEREAS**, Ordinance No. 18-43 amends Article IV of Chapter 2-9 of the Manatee County Code to provide for the annual registration of real property in the process of foreclosure within the unincorporated area of Manatee County; and

**WHEREAS**, Section 2-9-38 of the Manatee County Code authorizes the Board of County Commissioners by resolution to impose regulatory fees for the registration of real property in foreclosure as provided in Article IV of Chapter 2-9 of the Manatee County Code; and

**WHEREAS**, the Manatee County Building and Development Services Department has reviewed and recommended the amount of an annual regulatory fee for the registration of real property in foreclosure to be imposed by this Resolution; and

**WHEREAS**, the Manatee County Building and Development Services Department has represented that the annual regulatory fee for the registration of real property in foreclosure does not exceed the cost of the regulatory activity required for the annual registration and will be used and expended solely for the regulatory purpose of such registration activity; and

**WHEREAS**, the Board of County Commissioners of Manatee County has determined that the annual regulatory fee imposed in this Resolution is reasonable and necessary for the registration of real property in foreclosure, does not exceed the cost of the regulatory activity required for the registration of such property, and will be used and expended solely for the regulatory purpose of such registration activity.

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

1. Pursuant to Section 2-9-38 of the Manatee County Code, the Board of County Commissioners hereby imposes an annual regulatory fee in the amount of \$200.00 per parcel for the registration of real property in foreclosure within unincorporated Manatee County. The amount of the annual regulatory fee shall not exceed the cost of the regulatory activity required for the registration of such property.

2. The annual regulatory fee imposed pursuant to this Resolution shall be used and expended solely for the regulatory purposes of the registration activity for real property in foreclosure within unincorporated Manatee County.

**BE IT FURTHER RESOLVED** that the provisions of this Resolution shall supersede Resolution R-14-21, as well as the provisions of any other rule, policy, or Resolution where the same is in conflict with and cannot be reconciled with, the provisions of this Resolution.

**BE IT FURTHER RESOLVED** that should any section, subsection, sentence, clause, or provision of this Resolution be determined to be unconstitutional, invalid, inoperative, void, or otherwise unenforceable by a court of competent jurisdiction, each finding shall not affect the remaining portions of this Resolution so long as the remaining portions can be given legal effect absent the invalid portions.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect on on the 1<sup>st</sup> day of January, 2019.

**DULY ADOPTED** with a quorum present and voting on this \_\_\_\_\_ day of October, 2018.

**BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA**

By: \_\_\_\_\_  
Chairperson

ATTEST: ANGELINA COLONNESO  
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: \_\_\_\_\_  
Deputy Clerk