

ORDINANCE NO. 1152 – 2025

AN ORDINANCE OF THE CITY OF MIAMI SPRINGS, FLORIDA, AMENDING CHAPTER 93, “WASTE REMOVAL AND PROPERTY MAINTENANCE,” OF THE CITY’S CODE OF ORDINANCES BY AMENDING SECTION 93-12, “NON-EXCLUSIVE WASTE REMOVAL FRANCHISE FOR PRIVATE WASTE HAULERS,” RELATING TO FRANCHISE FEES, LATE CHARGES, AND INTEREST CHARGES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provides municipalities with the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

WHEREAS, the City Council of the City of Miami Springs (the “City”) finds it periodically necessary to amend its Code of Ordinances (“Code”) in order to update regulations and procedures to maintain consistency with state law, implement municipal goals and objectives, clarify regulations, and address specific issues and needs that may arise; and

WHEREAS, Section 93-12, “Non-Exclusive Waste Removal Franchise for Private Waste Haulers,” of Chapter 93, “Waste Removal and Property Maintenance,” provides for the imposition of non-exclusive franchise fees on private waste haulers operating under a non-exclusive franchise and late charges and interest charges against private waste haulers that fail to timely make the non-exclusive franchise fee payment; and

WHEREAS, the Code provides that the non-exclusive franchise fee can only be amended during the budgetary review process and establishes set late charges and interest charges; and

WHEREAS, the City Council desires to amend Section 93-12 of the City Code in order to provide that such non-exclusive franchise fee payments, late charges, and interest charges shall be established by resolution of the City Council in the City’s Schedule of Fees; and

WHEREAS, the City Council finds that this Ordinance is in the best interest and welfare of the residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:¹

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with yellow **highlighted** ~~double-strikethrough~~ and double underline.

Section 1. Recitals. That the above recitals are confirmed, adopted, and incorporated herein and made a part hereof by reference.

Section 2. Amending Code. That the Code of Ordinances of Miami Springs, Florida, is hereby amended by amending Section 93-12, which said section shall read as follows: See Exhibit A attached hereto and incorporated herein.

Section 3. Conflicts. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. Severability. That 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 5. Codification. That it is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.


Section 6. Effective Date. That this Ordinance shall become effective immediately upon adoption on second reading.

PASSED ON FIRST READING on the 10th day of November, 2025, on a motion made by Vice Mayor Dion and seconded by Councilman Santin.

PASSED AND ADOPTED ON SECOND READING this 8th day of December, 2025, on a motion made by Councilman Perez-Crespo and seconded by Vice Mayor Dion.

Upon being put to a roll call vote, the vote was as follows:

Vice Mayor Joseph Dion	<u>YES</u>
Councilman Jorge Santin	<u>YES</u>
Councilman Orlando Lamas	<u>YES</u>
Councilman Fabian Perez-Crespo	<u>YES</u>
Mayor Dr. Walter Fajet	<u>YES</u>



DR. WALTER FAJET
MAYOR

ATTEST:

Erika Gonzalez

ERIKA GONZALEZ, MMC
CITY CLERK



APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:

Haydee

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
CITY ATTORNEY

Exhibit A

Section 93-12. Non-exclusive waste removal franchise for private waste haulers.

* * *

(B) *Definitions.* The definitions contained within § 93-01 are specifically incorporated herein in addition to the following:

Monthly gross receipts shall be defined as the entire amount of fees collected by the permit holder, exclusive of state sales tax, from all accounts located within the City during any monthly period.

Non-exclusive franchise. The authority granted to a private waste hauler by City regulatory permit, on an annual basis, to collect and remove waste from commercial and multifamily residential premises in the City.

Non-exclusive franchise fee. The monthly fee to be paid to the City by each private waste hauler granted a non-exclusive franchise by City regulatory permit.

Private waste hauler. Any person, firm, corporation, or other properly organized and recognized business entity that is properly licensed by ~~Metropolitan~~ Miami-Dade County and the City to collect, remove and haul solid waste within the county and the City.

(C) *Establishment of non-exclusive franchise.* The City hereby authorizes the granting of non-exclusive franchises to private waste haulers for the collection and removal of waste from commercial and multifamily residential premises in the City.

(1) *Regulatory permit.* No person, firm, corporation or other properly organized and recognized business entity shall engage in the collection and removal of waste from any commercial or multifamily residential property in the City without first having secured a regulatory permit for such work from the City.

(2) *Conditions for securing permit.* No firm, corporation, or other property and business entity is eligible to apply for a franchise regulatory permit unless it is properly licensed by ~~Metropolitan~~ Miami-Dade County and the City.

(3) The securing of a regulatory permit shall be in addition to any other requirement to obtain any other requirement to obtain any required occupational license.

* * *

(E) *Non-exclusive franchise fee.* Upon being granted a franchise regulatory permit, each private waste hauler shall be required to remit to the City a non-exclusive franchise fee in accordance with the following:

(1) Each permit holder shall pay the City a non-exclusive franchise fee of seven and one-half percent of ~~at a rate established by resolution of the City Council in~~

the City's schedule of fees, which franchise fee shall be based on the total monthly gross receipts collected during any monthly period.

- ~~(2)~~ The term monthly gross receipts shall be defined as the entire amount of fees collected by the permit holder, exclusive of state sales tax, from all accounts located within the City during any monthly period.
- (3 ~~2~~) Each permit holder shall, on or before the last day of each month, deliver to the City finance department a true and correct statement of the monthly gross receipts collected during the previous month from its accounts within the City.
- (4 ~~3~~) Each permit holder shall make all non-exclusive franchise fee payments to the City on a monthly basis. The payments shall be directed to the City finance department and shall be received no later than the fifth day of the month following the month for which the monthly gross receipts were collected.
- ~~(5 4)~~ If the prior month's non-exclusive franchise fee payment is not timely received, the City may impose a late charge of ~~\$100.00~~ established by resolution of the City Council in the City's schedule of fees against the permit holder unless the City, in its sole discretion, receives a satisfactory explanation for the delay in making the required payment.
- ~~(6 5)~~ Each permit holder shall, on or before 30 days following the close of each fiscal year, deliver to the City finance department, a statement of its annual gross receipts generated from accounts within the City, prepared by an independent certified public accountant, reflecting gross receipts received from accounts located within the City for the preceding fiscal year.
- ~~(7 6)~~ Each permit holder will allow City auditors, during regular business hours after reasonable notice, to audit, inspect and examine the permit holder's fiscal books and records and tax returns, insofar as they relate to City accounts, to confirm compliance with this section.
- ~~(8 7)~~ In the event any permit holder fails to pay the full non-exclusive franchise fee percentage of the permit holder's total monthly gross receipts, the overdue portion of the fee shall bear interest ~~at the rate of one percent per month~~ on the outstanding balance until paid at a monthly rate established by resolution of the City Council in the City's schedule of fees, and additionally, the permit holder shall have to pay all expenses of collection, including court costs and reasonable attorney's fees.
- ~~(9 8)~~ In addition to the foregoing, no permit holder shall be permitted to renew its City occupational license unless all non-exclusive franchise fees due under its regulatory permit have been fully paid prior to the time of license renewal.

(J) ~~Authority to change non-exclusive franchise fee.~~ The City shall have the authority to increase or decrease the non-exclusive franchise fee amount specified in Section (E) of this section, by City resolution, during the City budgetary review process conducted annually.