

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

Blue Sheet No. 20021041

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a Public Hearing to request Board to approve County Ordinance providing additional penalty for civil traffic violations to fund drivers education programs.

WHY ACTION IS NECESSARY: The Lee County Board of County Commissioners must approve all proposed County Ordinances.

WHAT ACTION ACCOMPLISHES: Authorizes Clerk of Courts to collect additional \$3.00 assessment (cost) on civil traffic penalties to be administered by the Board of County Commissioners for "traffic education programs" in public or non-public (private) schools. Provides additional funding for effective drivers education programs for Florida's youngest, most inexperienced drivers.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 5:00 #1

3. MEETING DATE:

09-24-2002

4. AGENDA:

CONSENT
 ADMINISTRATIVE
 APPEALS
 PUBLIC
 WALK ON
 TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

STATUTE
 ORDINANCE
 ADMIN. CODE
 OTHER

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER
B. DEPARTMENT County Attorney
C. DIVISION General Services
BY: Scott Coovert
 Assistant County Attorney

7. BACKGROUND: During the 2002 Legislative Session, the Florida Legislature passed the Dori Slosberg Driver Education Safety Act effective October 1, 2002. The act allows the Board of County Commissioners, by ordinance, to authorize the Clerk of Courts to collect an additional \$3.00 with each civil traffic penalty, which shall be used to fund traffic education programs in public and non-public schools.

The funds can only be used to "enhance" current drivers education programs in public and non-public schools and for "direct" educational expenses, not for administration.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL: Consider and adopt the proposed Lee County Ordinance.

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
N/A	N/A	N/A	N/A	<i>[Signature]</i>	OA <i>[Signature]</i>	OM <i>[Signature]</i>	RISK <i>[Signature]</i>	GC <i>[Signature]</i>	<i>[Signature]</i> 9-12-02

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

CO. ATTY.
FORWARDED
TO CO. ADMIN.
9-9-02 10:36

RECEIVED BY
 COUNTY ADMIN. *CA*
 9-9-02
 10:43
 COUNTY ADMIN.
 FORWARDED TO: *DA*
 9/12/02

LEE COUNTY ORDINANCE NO. _____

AN ORDINANCE CREATING THE DRIVER EDUCATION SAFETY TRUST FUND; PROVIDING FOR DEFINITIONS; PROVIDING FOR CREATION OF A DRIVER EDUCATION SAFETY TRUST FUND; REQUIRING THE CLERK OF COURTS TO COLLECT AN ADDITIONAL \$3.00 WITH EACH CIVIL TRAFFIC PENALTY ISSUED WITHIN LEE COUNTY TO BE DEPOSITED IN A TRUST FUND; PROVIDING FOR EXPENDITURES FROM THE DRIVER EDUCATION SAFETY TRUST FUND; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS AND EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is the duly elected governing body of Lee County; and

WHEREAS, Lee County is an authorized political sub-division of the State as contemplated by § 98 of Chapter 2002-20, Laws of Florida; and

WHEREAS, the recently enacted, Section 98 of Chapter 2002-20, Laws of Florida commonly known and cited as the "Dori Slosberg Driver Education Safety Act", authorizes the enactment of an ordinance requiring the Clerk of the Courts to collect an additional \$3.00 with each civil traffic penalty to be used to fund traffic education programs in public and nonpublic schools; and

WHEREAS, the Lee County Board of County Commissioners has determined that adoption of such an ordinance further promotes, protects and improves the public health, safety and welfare of the citizens of Lee County.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lee County, Florida, that:

Section One: CREATION OF DRIVER EDUCATION SAFETY TRUST FUND

This ordinance is enacted pursuant to the authority vested in the Board of County Commissioners by Section 98, Chapter 2002-20, Laws of Florida.

Section Two: DEFINITIONS

All terms, phrases and expressions contained in this Ordinance shall be consistent with and liberally construed in order that the intent of the "Dori Slosberg Driver Safety Education Act" be fully carried out.

Section Three: CREATION OF FUND AND ACCOUNTING

A. On or after October 1, 2002, the Clerk of Courts, in and for Lee County, shall collect an addition \$3.00 with each civil traffic penalty issued within Lee County.

B. The Clerk of Courts shall keep a record of all monies collected pursuant to this Ordinance and shall deposit all monies into a Board of County Commissioner's special and separate account entitled "Driver's Education Safety Trust Fund".

C. The Clerk of Courts shall provide the Board of County Commissioners with a monthly report as to the revenues collected and deposited into the Driver's Education Safety Trust Fund, and the amount of expenditures from the Driver's Education Safety Trust Fund to identified parties within each monthly period.

Section Four: EXPENDITURES

A. Monies deposited into the Driver's Education Safety Trust Fund shall be used solely to assist driver education safety programs in public and nonpublic schools in Lee County. The funds shall be used for direct educational expenses and shall not be used for administration expenses. It is further provided that such funds collected be used solely to enhance school driver education programs and not to replace or otherwise supplement

other funding sources for Driver Education.

B. It is further provided that private, not-for-profit organizations or other related entities providing driver education safety training/programs to the general public are not eligible to receive funds under this program.

C. In order to receive funds from the Driver's Education Safety Trust Fund, programs shall be selected as recipients on the basis of selection procedures which shall be developed by the County Manager. Final approval shall be made by the Board of County Commissioners upon recommendation of the County Manager.

D. The terms and conditions of such grants shall be contained in an agreement between the Lee County Board of County Commissioners and each Grantee.

Section Five: CONFLICTS

Whenever the requirements or provisions of the Ordinance are in conflict with the requirements of provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

Section Six: SEVERABILITY

It is the Board of County Commissioner's intent that if any section, subsection, clause or provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will be considered a separate provision and will not affect the remaining provisions of this ordinance. The Board of County Commissioners further declares its intent that this ordinance would have been adopted if such invalid or unconstitutional provision was not included.

Section Seven: CODIFICATION AND SCRIVENER'S ERRORS

The Board of County Commissioners intend that this ordinance will be made part of the Lee County Code; and that sections of this ordinance can be renumbered or relettered and that the word "ordinance" can be changed to "section", "article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or relettered and typographical errors that do not affect the intent can be corrected with the authorization of the County Manager, or his designee, without the need for a public hearing.

Section Eight: EFFECTIVE DATE

This ordinance shall take effect immediately upon its filing with the Office of the Secretary of the Florida Department of State.

The foregoing Ordinance 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:

BOB JANES	_____
DOUGLAS ST. CERNY	_____
RAY JUDAH	_____
ANDREW COY	_____
JOHN ALBION	_____

DULY PASSED AND ADOPTED this ____ day of _____, 2002.

ATTEST: CHARLIE GREEN
CLERK OF THE COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney