

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

Blue Sheet No. 20020963

1. REQUESTED MOTION:

ACTION REQUESTED: Request the Board to ^{set (enb)} conduct a public hearing to consider the adoption of a County ordinance to be known as the "Driver Education Trust Fund" Ordinance. ^{for Sept. 24 (2002)}

WHY ACTION IS NECESSARY: Public Hearing is required for the passage of County Ordinances.

WHAT ACTION ACCOMPLISHES: Sets the "Driver Education Trust Fund" Ordinance for Public Hearing.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #

C12A

3. MEETING DATE:

09-03-2002

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's Office
- C. DIVISION General Services
- BY: Scott Covert
Assistant County Attorney

7. BACKGROUND: The Dori Slosberg Driver Education Safety Act was passed by the 2002 Legislative Session of the Florida Legislature effective October 1, 2002. This act allows an additional \$3.00 to be collected with each civil traffic penalty to be used to fund traffic education programs in public and non public schools.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

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>S. [Signature]</i> 8/22/02	OA <i>[Signature]</i> 8/22/02	OM <i>[Signature]</i> 8/24/02	RISK <i>[Signature]</i> 8/28/02	GC <i>[Signature]</i> 8/22/02	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

REC'D BY	<i>[Signature]</i>
DATE	<i>8/22 2:05 PM</i>
COUNTY ADMIN. FORWARDED TO:	<i>[Signature]</i>
	<i>8/22/02</i>

LEE COUNTY ORDINANCE NO. _____

**AN ORDINANCE CREATING 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, Section 98 of Chapter 2002-20, Laws of Florida known as the "Doris Slosberg Driver Education Safety Act" authorizes Counties to enact an ordinance requiring the Clerk of the Court to collect an additional \$3.00 with each civil traffic penalty to be used to fund traffic education programs in public and non-public schools; 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, it is the Board's intent that such moneys collected be used to enhance driver education programs and not to replace other funding sources; and

WHEREAS, it is respectfully requested that the courts of the 20th Judicial Circuit not waive the civil penalty provided by this ordinance.

WHEREAS, implementation of the Doris Slosberg Driver Education Safety Act 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

A. Pursuant to Section 98 of Chapter 2002-20, Laws of Florida, the Clerk of the Court is hereby directed to collect an additional three dollars (\$3.00) with each civil traffic penalty. Notwithstanding the foregoing, this section shall not be construed to apply to parking violations.

B. Funds collected by the clerk pursuant to this section shall be forwarded to the County on a quarterly basis and deposited into a separate account to be used to financially assist driver education programs in Lee County public and non-public schools. It is further provided that such funds shall be used for direct educational expenses and shall not be used for administration.

C. In order to receive grants from the Driver Education Safety Trust Fund, programs shall be selected as program recipients on the basis of selection procedures which shall be developed by the County Manager and approved by resolution of the Board of County Commissioners on an annual basis upon submittal by the County Manager.

Section Two: CONFLICTS

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

Section Three: 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 Four: 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 Five: 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