

Lee County Board of County Commissioners

Agenda Item Summary

Blue Sheet No. 20031227

1. **REQUESTED MOTION:**

ACTION REQUESTED: Amend Lee County Resolution 92-07-01, eliminating the collection of an additional surcharge of \$12.50 for each moving traffic violation by deleting paragraphs 1 - 6, and adding "from the monies collected by the Clerk's office for civil traffic infractions, the Clerk shall distribute \$12.50 to the County to fund its participation in the intergovernmental radio communications program."

WHY ACTION IS NECESSARY: Board must approve any amendment to a County Resolution.

WHAT ACTION ACCOMPLISHES: The Amended Resolution will be consistent with State General Law, which does not allow for an additional surcharge to be imposed, rather, the monies (\$12.50) for Radio Communications are to be distributed from civil traffic penalties collected.

2. **DEPARTMENTAL CATEGORY:**

COMMISSION DISTRICT #

C12B

3. **MEETING DATE:**

10-28-2003

4. **AGENDA:**

- CONSENT ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. **REQUIREMENT/PURPOSE:**
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER Reso. No. 92-07-01
and Ch. 96-350, Laws Of Florida

6. **REQUESTOR OF INFORMATION:**

- A. COMMISSIONER
- B. DEPARTMENT County Attorney's Office
- C. DIVISION General Services
- BY: Kristie Kroslack
Assistant County Attorney

7. **BACKGROUND:** In 1992, State General Law (Fla. Stat. § 316.655(7) allowed the County to impose an additional \$12.50 surcharge on the monies collected by the Clerk's office on moving traffic violations. That statutory provision was changed in 1996 by the adoption of Ch. 96-350, Laws Of Florida at §40. Presently, the \$12.50 must be provided from monies collected as civil traffic penalties and used to fund the County's participation in the Intergovernmental Radio Communication Program. No additional surcharge is presently allowed by law.

8. **MANAGEMENT RECOMMENDATIONS:**

9. **RECOMMENDED APPROVAL:**

A	B	C	D	E	F				G
Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager
N/A	N/A	N/A	N/A	10/15/03	OA	OM	RISK	GC	HS 10/16/03
					10/16/03	12/16/02	10/16/03	10/16/03	

10. **COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

CO. ATTY.
FORWARDED
TO CO. ADMIN.
10/15/03

RECEIVED BY
COUNTY ADMIN:
10/16/03
COUNTY ADMIN
FORWARDED TO:
10/16/03

LEE COUNTY RESOLUTION NO. _____

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF LEE COUNTY, FLORIDA
AMENDING RESOLUTION NO. 92-07-01, AUTHORIZING
\$12.50 BE TAKEN FROM EACH MOVING TRAFFIC
VIOLATION AND PROVIDING THAT SAID MONIES
BE USED TO FUND LEE COUNTY'S PARTICIPATION IN
AN INTERGOVERNMENTAL RADIO COMMUNICATION PROGRAM**

RECITATIONS

WHEREAS, on July 1, 1992, LEE COUNTY adopted Lee County Resolution No. 92-07-01 providing for: (1) an additional surcharge of \$12.50 to be assessed for each moving traffic violation, (2) the Clerk to collect the surcharge, (3) the Clerk to retain \$1.00 for collecting the funds, (4) the use of the surcharge to fund the intergovernmental radio communication program. This Resolution was enacted pursuant to Fla. Stat, 316.655(7).

WHEREAS, Section 40 of Chapter 96-350, Laws of Florida, amended Section 316.655 by deleting 316.655(7); and

WHEREAS, Section 49 of Chapter 96-350, Laws of Florida created Section 318.21(10) now Section 318.21(9) which states that twelve dollars and fifty cents (\$12.50) from the monies collected by the Clerk for civil traffic infractions shall be distributed by that office monthly to the Board of County Commissioners to be used to fund the County's participation in the intergovernmental radio communication program, as approved by the Department of Management Services.

NOW, THEREFORE, be it resolved by the Board of County Commissioners that:

Section 1. Lee County hereby exercises its Home Rule authority for amending Resolution No. 92-07-01. This amended Resolution is adopted pursuant to the provisions of Chapter 125, Florida Statutes, and other applicable provisions of law.

Section 2. Lee County hereby amends paragraphs 1 through 6 of Lee County Resolution No. 92-07-01 by deletion said paragraphs and in their place, adds the following:

From the monies collected by the Clerk's office as civil traffic penalties, twelve dollars and fifty cents (\$12.50) from each moving violation shall be used to fund the County's participation in an intergovernmental radio communication program. Such monies shall be distributed by that office monthly to the Board of County Commissioners. Fla. Stat. § 318.21(9).

Section 3. Lee County Resolution 92-07-01 is duly amended by the adoption hereof and shall remain in full force and effect.

Section 4. This Resolution shall become effective upon its adoption by a majority vote of the Board of County Commissioners sitting at a regularly scheduled Board Meeting.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and, being put to vote, the vote was as follows:

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

DULY PASSED AND ADOPTED THIS _____ DAY OF _____, 2003.

ATTEST: CHARLIE GREEN
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney