

**Board of County Commissioners
Agenda Request**

Date of Meeting: May 3, 2016

Date Submitted: April 15, 2016

To: Honorable Chairperson and Members of the Board

From: Robert M. Presnell, County Administrator
David Weiss, County Attorney

Subject: **Public Hearing:** Adoption of Ordinance No. 2016-005, An Ordinance of the Board of County Commissioners of Gadsden County, Florida, providing for the assessment and collection of an additional \$5.00 with each civil traffic penalty to enhance driver education program funds in public and nonpublic schools in Gadsden County pursuant to Section 318.1215, Florida Statutes; adopting procedures, criteria, and requirements for the use and distribution of funds; providing for repeal, severability, inclusion in the Gadsden County Code of Ordinances, modifications that may arise from consideration at public hearing, and correction of scrivener's errors; and providing for an effective date

Statement of Issue:

This agenda item seeks adoption of an ordinance providing for the assessment and collection of an additional \$5.00 with each civil traffic penalty to enhance driver education program funds in public and nonpublic schools in Gadsden County pursuant to Section 318.1215, Florida Statutes, and adopting procedures, criteria, and requirements for the use and distribution of funds.

Background:

Section 318.121, Florida Statutes, known as the Dori Slosberg Drive Education Safety Act (the "Act"), authorizes the Gadsden County Board of County Commissioners ("Board") to adopt an ordinance requiring the clerk of court to collect an additional \$5.00 with each civil traffic penalty to fund driver education programs in public and nonpublic schools. The School Board of Gadsden County requested that the Board adopt an ordinance to implement the Act, and the Board instructed the County Attorney to draft an ordinance for the Board's consideration.

Analysis:

Attached is proposed Ordinance No. 2016-005 for the Board's consideration. If adopted by the Board, it will require the Clerk to collect an additional \$5.00 for each civil traffic violation which occurs in Gadsden County to enhance driver education program funds in public and nonpublic schools in Gadsden County; and will provide procedures, criteria, and requirements for the use and distribution of funds to public and nonpublic schools in Gadsden County.

Fiscal Impact:

There will be additional costs associated with the collection of the penalty. The funds generated by the penalty must be used for direct educational expenses and cannot be used for administration, so they could not be used to pay the costs associated with collection.

Options:

1. Approve and adopt the attached Ordinance No. 2016-005 and authorize the Chairperson to sign.
2. Propose changes to the attached Ordinance No. 2016-005, and adopt with changes.
3. Disapprove and reject Ordinance No. 2016-005.
4. Board direction.

County Administrator's Recommendation:

Option 4

Attachment:

1. Draft Ordinance No. 2016-005.
2. Notice of Intent.
3. Section 318.1215, Florida Statutes.

ORDINANCE NO. 2016-005

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA, PROVIDING FOR THE ASSESSMENT AND COLLECTION OF AN ADDITIONAL \$5.00 WITH EACH CIVIL TRAFFIC PENALTY TO FUND DRIVER EDUCATION PROGRAMS IN PUBLIC AND NONPUBLIC SCHOOLS PURSUANT TO SECTION 318.1215, FLORIDA STATUTES; ADOPTING PROCEDURES, CRITERIA, AND REQUIREMENTS FOR THE USE AND DISTRIBUTION OF FUNDS; PROVIDING FOR REPEAL, SEVERABILITY, INCLUSION IN THE GADSDEN COUNTY CODE OF ORDINANCES, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING, AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Gadsden County, Florida has all of the powers of self-government as provided by general or special law; and

WHEREAS, the Gadsden County Board of County Commissioners ("Board") may enact ordinances not inconsistent with general or special law; and

WHEREAS, Section 318.121, Florida Statutes, known as the Dori Slosberg Drive Education Safety Act (the "Act"), authorizes the Board to adopt an ordinance requiring the clerk of court to collect an additional \$5.00 with each civil traffic penalty to fund driver education programs in public and nonpublic schools; and

WHEREAS, the School Board of Gadsden County requested that the Board adopt an ordinance to implement the Act; and

WHEREAS, the Board has determined that collecting an additional \$5.00 with each civil traffic penalty to fund driver education programs in public and nonpublic schools will protect the public health, safety, and welfare of the citizens of Gadsden County and is a proper public and county purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA, that:

Section 1. Incorporation of Recitals.

The foregoing recitals are hereby incorporated by reference into the body of this Ordinance, and are adopted as findings of fact.

Section 2. Authority and Purpose.

This Ordinance is adopted pursuant to Section 318.1215, Florida Statutes, for the purpose of enhancing driver education programs in the public and nonpublic schools of Gadsden County.

Section 3. Approval and Adoption of the Ordinance.

The Gadsden County Driver Education Fund Ordinance as attached hereto as Exhibit A is hereby approved and adopted.

Section 4. Repealer.

All prior policies, resolutions and ordinances, or portions thereof, which are in conflict with the Gadsden County Driver Education Fund Ordinance are hereby repealed and superseded to the extent of such conflict.

Section 5. Severability.

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, the remainder of the Ordinance shall be construed as not having contained said section, subsection, sentence, clause, phrase, or provision, and shall not be affected by such holding.

Section 6. Inclusion into the Code of Ordinances.

This Ordinance shall be codified in the Gadsden County Code of Ordinances as set forth in Exhibit A.

Section 7. Modification.

It is the intent of the Board that the provisions of this Ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the Ordinance adopted by the Board and filed by the Clerk.

Section 8. Scrivener's Errors.

The County Attorney may correct any scrivener's errors found in this Ordinance by filing a corrected copy of the Ordinance with the Clerk.

Section 9. Effective Date.

The Clerk shall file a certified copy of this Ordinance with the Department of State within ten (10) days of adoption and this Ordinance shall be effective on October 1, 2016.

DULY READ, PASSED AND ADOPTED by the Board of County Commissioners of Gadsden County, Florida after proper notice and public hearing, this 3rd day of May, 2016.

BOARD OF COUNTY COMMISSIONERS
GADSDEN COUNTY, FLORIDA

BRENDA A. HOLT, Chairperson

ATTEST:

NICHOLAS THOMAS,
Clerk of the Circuit Court

APPROVED AS TO FORM FOR THE
RELIANCE OF GADSDEN COUNTY,
FLORIDA ONLY

DAVID J. WEISS, County Attorney

Exhibit A

CHAPTER 78 – TRAFFIC AND VEHICLES

Section 78-4. – Driver Education Fund

- (a) Declaration of Public Purpose. The Gadsden County Board of County Commissioners has determined that collecting an additional \$5.00 with each civil traffic penalty to fund driver education programs in public and nonpublic schools pursuant to Section 318.121, Florida Statutes (the Dori Slosberg Drive Education Safety Act), will protect the public health, safety, and welfare of the citizens of Gadsden County and is a proper public and county purpose.
- (b) Assessment of Penalty. In addition to any other penalty provided for traffic infractions, there is hereby assessed an additional \$5.00 for each civil traffic violation which occurs within Gadsden County.
- (c) Collection of Penalty. The Clerk of Court shall collect an additional \$5.00 with each civil traffic penalty and shall remit to the Board each month all monies collected.
- (d) Administration. The Board shall segregate all monies received from the Clerk in a separate fund which shall be used solely to fund driver education programs in eligible public and nonpublic schools.
- (e) Eligibility. All public and nonpublic schools located in Gadsden County which have established a driver education program that requires that a minimum of 30 percent of a student's time in the program be behind-the-wheel training are eligible for receipt of funds. In order to qualify for funding in the adopted budget for a fiscal year, a school must submit, no later than June 30 of the preceding fiscal year, documentation to the Board sufficient to show that the school has established a qualifying driver education program.
- (f) Distribution and Use of Funds. All public and nonpublic schools that submit proper documentation showing that they qualify for funds on or before June 30 shall receive a percentage of the funds equal to the number of students enrolled in the school at the end of the school year divided by the total number of students enrolled in all schools that qualify for funds at the end of the school year. The Board shall distribute funds to all qualifying schools pursuant to and only after execution of an interlocal agreement with the qualifying school. The funds shall be used solely to fund the qualifying school's driver education program that requires a minimum of 30 percent of a student's time in the program be behind-the-wheel training. The funds shall be used for the enhancement, and not replacement, of any other driver education program funds; and shall be used for direct educational expenses and shall not be used for administration.

NOTICE OF INTENT: PUBLIC HEARING

NOTICE IS HEREBY GIVEN to all concerned that the Board of County Commissioners of Gadsden County, Florida, intends, at a regular meeting, at the Gadsden County Governmental Complex, 9-B East Jefferson Street, Quincy, Florida, at 6:00 p.m. on the 3rd day of May, 2016, to consider adoption of an ordinance entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA, PROVIDING FOR THE ASSESSMENT AND COLLECTION OF AN ADDITIONAL \$5.00 WITH EACH CIVIL TRAFFIC PENALTY TO ENHANCE DRIVER EDUCATION PROGRAM FUNDS IN PUBLIC AND NONPUBLIC SCHOOLS IN GADSDEN COUNTY PURSUANT TO SECTION 318.1215, FLORIDA STATUTES; ADOPTING PROCEDURES, CRITERIA, AND REQUIREMENTS FOR THE USE AND DISTRIBUTION OF FUNDS; PROVIDING FOR REPEAL, SEVERABILITY, INCLUSION IN THE GADSDEN COUNTY CODE OF ORDINANCES, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING, AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

INTERESTED PARTIES MAY APPEAR AT THE MEETING AND BE HEARD WITH RESPECT TO THE PROPOSED ORDINANCE. IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD OF COUNTY COMMISSIONERS WITH RESPECT TO THIS MATTER, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, HE OR SHE MUST ASSURE THAT A VERBATIM RECORDING OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

The proposed ordinance is available for public inspection at the Office of the Clerk, Gadsden County Courthouse, 10 E. Jefferson St., Quincy, Florida, and on the County website at gadsdencountyfl.gov.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Persons needing assistance in obtaining any information from the County on attending the public hearing must contact the Gadsden County Administrator's Office, 1B E. Jefferson Street, Quincy, Florida, (850) 875-8650, at least 48 hours prior to the hearing; if you are hearing or voice impaired, call 711.

BOARD OF COUNTY COMMISSIONERS OF
GADSDEN COUNTY, FLORIDA

By: _____
Nicholas Thomas, Clerk

Published one time
April 21, 2016
Gadsden County Times
Havana Herald
Twin City News

The Florida Senate

2015 Florida Statutes

<u>Title XXIII</u> MOTOR VEHICLES	<u>Chapter 318</u> DISPOSITION OF TRAFFIC INFRACTIONS <u>Entire Chapter</u>	SECTION 1215 Dori Slosberg Driver Education Safety Act.
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318.1215 Dori Slosberg Driver Education Safety Act.—Notwithstanding the provisions of s. [318.121](#), a board of county commissioners may require, by ordinance, that the clerk of the court collect an additional \$5 with each civil traffic penalty, which shall be used to fund driver education programs in public and nonpublic schools. The ordinance shall provide for the board of county commissioners to administer the funds, which shall be used for enhancement, and not replacement, of driver education program funds. The funds shall be used for direct educational expenses and shall not be used for administration. Each driver education program receiving funds pursuant to this section shall require that a minimum of 30 percent of a student's time in the program be behind-the-wheel training. This section may be cited as the "Dori Slosberg Driver Education Safety Act."

History.—s. 98, ch. 2002-20; s. 10, ch. 2005-164; s. 49, ch. 2006-290.

Disclaimer: The information on this system is unverified. The journals or printed bills of the respective chambers should be consulted for official purposes.

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