

ORDINANCE NO. 2003-05

AN ORDINANCE OF HERNANDO COUNTY, FLORIDA, PROVIDING FOR A SHORT TITLE; PROVIDING FOR ADDITIONAL FEES TO FUND TRAFFIC EDUCATION PROGRAMS IN PUBLIC AND NON-PUBLIC SCHOOLS; PROVIDING FOR A THREE (\$3.00) DOLLAR FEE ASSESSED FOR EACH CIVIL TRAFFIC PENALTY; PROVIDING FOR DISBURSEMENT OF FUNDS TO PUBLIC AND NON-PUBLIC SCHOOLS PURSUANT TO APPLICATION THEREFOR; AUTHORIZING INTERLOCAL AGREEMENTS OR CONTRACTS; DEFINING "SCHOOL" FOR PURPOSES OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 2002-20, Section 98, Laws of Florida, enacted the Dori Slosberg Driver Education Safety Act permitting boards of county commissioners to require by ordinance that the Clerk of Court collect an additional three (\$3.00) dollar fee for each civil traffic penalty for use in funding traffic education programs in public and non-public schools; and

WHEREAS, there is a great need for traffic education programs in public and non-public schools; and

WHEREAS, it is only fitting and proper that those individuals committing civil traffic penalties help fund traffic education programs in public and non-public schools; and

WHEREAS, the Board of the County Commissioners of Hernando County, Florida, has determined that it is reasonable and necessary to impose such mandatory costs for traffic education programs for public and non-public schools upon civil traffic violators, and

WHEREAS, it is appropriate to set forth the manner in which public and non-public

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schools may apply to the Board of County Commissioners for traffic education program funding hereunder.

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

SECTION 1. SHORT TITLE

This ordinance shall be known as the Dori Slosberg Driver Education Safety Act Ordinance.

SECTION 2. APPLICABILITY

There is hereby assessed the sum of three (\$3.00) dollars as a civil traffic penalty cost which shall be assessed as a civil traffic penalty cost by any circuit court, county court, magistrate, hearing officer, or special master, or any other person with the authority to hear civil traffic cases and impose penalties. If the court, judge, magistrate, or hearing officer, or other official after a hearing makes a determination that a civil traffic violation has been committed and if a civil penalty is imposed then in addition to any civil penalties, the court, judge, magistrate, hearing officer, or official shall also assess a three (\$3.00) dollar surcharge to be used to fund traffic education programs of public and non-public schools. The three (\$3.00) dollar surcharge or assessment shall specifically be added to any civil traffic penalty whether such penalty is paid by mail, paid in person without request for a hearing, or paid after hearing and determination by a court, judge, magistrate, hearing officer, or other official. However, the three (\$3.00) dollar assessment or surcharge shall not be made against the person where no civil traffic penalty is imposed.

SECTION 3. COLLECTION AND ESTABLISHMENT OF TRUST FUND

The Clerk of Circuit Court shall collect the three (\$3.00) dollar assessment or surcharge imposed upon each civil traffic penalty and shall remit the same on a monthly basis to the Board of County Commissioners, which shall establish a separate trust fund for the assessments or surcharges received pursuant to this ordinance.

SECTION 4. DISBURSAL OF FUNDS BY COUNTY

(A) Upon proper application by a public or non-public school, the Board of County Commissioners is hereby authorized to disburse such funds and may enter into interlocal agreements or contracts as applicable with public or non-public schools. The funds collected pursuant to this ordinance shall be administered solely by the Board of County Commissioners. Their determination as to disbursement of the funds shall be final, except as may be provided otherwise in any contract or interlocal agreement with respect to disbursement of funds collected hereunder and to which the Board of County Commissioners is a party. All the funds collected by this ordinance and disbursed to fund traffic education programs shall be used only for direct educational expenses and no part of such funds disbursed shall be used for any administrative expenses.

(B) The administrative process incorporating application acceptance, review and action, including but not limited to the manner in which requests for funds pursuant to an approved application are filed and acted upon, shall be subject to generally applicable policies of the Hernando County Office of Management and Budget and the requirements of the Office of the Clerk of the Circuit Court and may be set forth or incorporated in any

interlocal agreement or contract entered into pursuant to this ordinance.

(C) For purposes of this ordinance, "school" shall mean an organization of pupils for instructional purposes on the elementary, secondary or community college level, which organization is in compliance with applicable provisions of the Florida School Code, Title XVI, Chapters 228 through 246 inclusive, Florida Statutes, as amended from time to time.

SECTION 5. SEVERABILITY

It is declared to be the intent of the Board of County Commissioners that, if any section, subsection sentence, clause, phrase or portion of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. INCLUSION IN THE CODE

It is the intention of the Board of County Commissioners of Hernando County, Florida, and is hereby provided, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section," "article," or other appropriate designation.

SECTION 7. EFFECTIVE DATE

A certified copy of this ordinance shall be filed with the Department of State by the Clerk to the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners and shall take effect on July 1, 2003.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular

Session this 18th day of March, 2003.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**



Attest: Sherry L. Boardman,
KAREN NICOLAI Deputy
Clerk

Mary E. Whitehouse
MARY E. WHITEHOUSE
Chairperson

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY [Signature] 3/11/03
County Attorney's Office