

Marguerite Linke

From: Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>
Sent: Tuesday, May 19, 2015 1:36 PM
To: Marguerite Linke
Cc: County Ordinances
Attachments: Hernando20150519_Ordinance2009_12_Corrected_Ack.pdf

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

May 19, 2015

Honorable Don Barbee Jr.
Hernando County Clerk's Office
20 North Main Street, Rm. 3621
Brooksville, Florida 34601

Attention: Marguerite Linke

Dear Mr. Barbee:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your corrected electronic copy of Hernando County Ordinance No. 2009-12, which was filed in this office on May 19, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

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ORDINANCE NO.: 2009 - 12

AN ORDINANCE AMENDING CHAPTER 20 (MOTOR VEHICLES AND TRAFFIC), ARTICLE I (GENERAL) OF THE HERNANDO COUNTY CODE OF ORDINANCES BY AMENDING SECTION 20-3 RELATING TO DRIVER EDUCATION SAFETY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Board desires to amend Code Sec. 20-3 entitled the driver education safety act.

SECTION I. Amending Chapter 20 (Motor Vehicles and Traffic), Article I (General), Sec. 20-3 (Driver education safety act). Chapter 20 (Motor Vehicles and Traffic), Sec. 20-3 (Driver education act) is amended to read as follows, with underlined matter added and struck-through matter deleted:

Sec. 20-3. Driver education safety act.

(a) *Short title.* This section shall be known as the "Dori Slosberg Driver Education Safety Act Ordinance".

(b) *Applicability.* There is hereby assessed the sum of three dollars (\$3.00) 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-dollar surcharge to be used to fund traffic driver education safety programs of public and non-public schools as provided for in this section. The three-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-dollar assessment or surcharge shall not be made against the person where no civil traffic penalty is imposed.

(c) *Collection and establishment of trust fund.* The clerk of circuit court shall collect the three-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

1 shall establish a separate trust fund for the assessments or surcharges received pursuant to
2 this section.

3
4 (d) *Disbursal of funds by county.*

5
6 (1) Upon proper application by a public or non-public school as defined
7 herein, the board of county commissioners is hereby authorized to
8 disburse such funds and may enter into interlocal agreements or
9 contracts as applicable ~~with public or non-public schools with any~~
10 approved driver education safety program provider. The funds
11 collected pursuant to this section shall be administered solely by the
12 board of county commissioners. ~~Their~~ The Board's determination as
13 to disbursement of the funds shall be final, ~~except as may be~~
14 ~~provided otherwise in any contract or interlocal agreement with~~
15 ~~respect to disbursement of funds collected hereunder and to which~~
16 ~~the board of county commissioners is a party~~. All the funds collected
17 by this section and disbursed to fund traffic driver education safety
18 programs shall be used only for direct educational expenses and no
19 part of such funds disbursed shall be used for any administrative
20 expenses.

21
22 (2) The administrative process incorporating application acceptance,
23 review and action, including but not limited to the manner in which
24 requests for funds pursuant to an approved application are filed and
25 acted upon, shall be subject to generally applicable policies of the
26 Hernando County ~~Office of Management and Budget and the~~
27 ~~requirements of the office of the clerk of the circuit court~~ and may be
28 set forth or incorporated in any interlocal agreement or contract
29 entered into pursuant to this section.

30
31 (3) For purposes of this section, "school" ~~shall mean an organization of~~
32 ~~pupils for instructional purposes on the elementary, secondary or~~
33 ~~community college level, which organization is in compliance with~~
34 ~~applicable provisions of the Florida School Code, Title XVI,~~
35 ~~Chapters 228 through 246 inclusive, Florida Statutes, as amended~~
36 ~~from time to time~~: shall be interpreted broadly to effectuate the
37 purpose of promoting and enhancing driver education safety
38 programs in this county and shall mean any county-approved
39 provider of driver education safety programs, driver improvement
40 courses (as defined in Rule 15A-8.002, Florida Administrative Code,
41 as such rule may be amended or renumbered from time to time)
42 which have driver education safety as a primary component, driver

1 education safety programs offered by or under the direction of the
2 Hernando County School District, and driver education safety
3 programs offered by or under the direction of the Hernando County
4 Sheriff's Office.

5
6 ~~(e) *Effective date.* A certified copy of the ordinance from which this section~~
7 ~~derives shall be filed with the department of state by the clerk to the board of county~~
8 ~~commissioners within ten (10) days after enactment by the board of county~~
9 ~~commissioners and shall take effect on July 1, 2003.~~

10
11 (Ord. No. 2003-05, §§ 1--4, 7, 3-18-03; Ord. No. 2009-_____)

12
13 **SECTION II. Severability.** It is declared to be the intent of the Board of County
14 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of
15 this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof
16 shall not affect the validity of the remaining portions of this ordinance.

17
18 **SECTION III. Repeal of Conflicting Ordinances.** The provisions of any other
19 Hernando county ordinance that are inconsistent or in conflict with the provisions of this
20 Ordinance are repealed to the extent of such inconsistency or conflict.

21
22 **SECTION IV. Inclusion in the Code.** It is the intention of the Board of County
23 Commissioners of Hernando County, Florida, and it is hereby provided, that the
24 provisions of this Ordinance shall become and be made a part of the Code of Ordinances
25 of Hernando County, Florida. To this end, any section or subsection of this Ordinance
26 may be renumbered or relettered to accomplish such intention, and the word "ordinance"
27 may be changed to "section, "article," or other appropriate designation.

28
29 **SECTION V. Effective date.** This ordinance shall take effect immediately upon filing
30 with the Florida Secretary of State.

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32 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
33 **HERNANDO COUNTY** in Regular Session this 10 day of November, 2009.



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39 **KAREN NICOLAI**
40 **CLERK**

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By: _____

~~DAVID D. RUSSELL, JR.~~
CHAIRMAN

Nicholas Nicholson

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY [Signature] 10/6/09
County Attorney's Office gjk