

Agenda Item #:

Add On
6A6

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: September 12, 2006

☐ Consent

☒ Regular

☐ Public Hearing

Department:

Submitted By: Administration

Submitted For:

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve on Preliminary Reading and advertise for Public Hearing on October 17, 2006 at 9:30 A.M: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 10, SECTION 10-9, PALM BEACH COUNTY CODE, TO INCREASE THE CIVIL TRAFFIC PENALTY SURCHARGE COLLECTED TO FUND DRIVER EDUCATION PROGRAMS IN SCHOOLS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Summary: On September 10, 2002, the Board of County Commissioners adopted Ordinance No. 2002-063 as amended by Ordinance 2002-071, dated December 17, 2002 (Attachment 2), which provides for the collection of \$3.00 with each civil traffic penalty to fund a Driver Education Safety Trust Fund program. This proposed amendment will increase the surcharge from \$3.00 to \$5.00 for each civil traffic penalty. Since the inception of this program 13,547 students have been trained. The Palm Beach County Safety Council conducts the Driver Education classes for the Palm Beach County School Board and has indicated that the current funding is insufficient to keep up with maintenance costs and the number of requests for training. (See Attachment 3.) Countywide (SF)

Background and Policy Issues: During the 2006 Legislative session, the Dori Slosberg Driver Education Safety Act, Section 318.1215, Florida Statutes, was amended to increase the amount of the surcharge to be collected on each civil traffic penalty, which is to be used to fund driver education programs in schools. On September 10, 2002, the Board of County Commissioners passed Ordinance No. 2002-063 to implement the Driver Education Safety Trust Fund program, pursuant to the Dori Slosberg Driver Education Safety Act (the "Act").. The original ordinance provided for collection of a \$3.00 surcharge with each civil traffic penalty. The proposed amendment increases the amount of the surcharge the County will collect to \$5.00, as provided for in the amendment to Section 318.1215, Florida Statutes.

Attachments:

1. Ordinance No. 2006- (Amending Ordinance No. 2002-071)
2. Existing Ordinance No. 2002-071
3. Letter from Safety Council, dated June 21, 2006

Recommended by:

NA

Department Director

Date

Approved by:

Vincent J. Bonaventura

Assistant County Administrator

9/6/06
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2006	2007	2008	2009	2010
Capital Expenditures	—	348,000	348,000	348,000	348,000
Operating Costs	—	—	—	—	—
External Revenues	—	<348,000>	<348,000>	<348,000>	<348,000>
Program Income (County)	—	—	—	—	—
In-Kind Match (County)	—	—	—	—	—
NET FISCAL IMPACT	—	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)	—	—	—	—	—

Is Item Included in Current Budget? Yes ___ No ___

Budget Account No.: Fund ___ Department ___ Unit ___ Object ___

Reporting Category ___

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

Additional revenue calculated using the FY2006 average number
of quarterly tickets (43,500).

9-7-06
OFMB *my* *AM*

N/A
Contract Dev. and Control

B. Legal Sufficiency:

9-7-06
9/7/06
Assistant County Attorney

C. Other Department Review:

Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

ORDINANCE NO. 20 ____ - ____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 10, SECTION 10-9, PALM BEACH COUNTY CODE, TO INCREASE THE CIVIL TRAFFIC PENALTY SURCHARGE COLLECTED TO FUND DRIVER EDUCATION PROGRAMS IN SCHOOLS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Palm Beach County adopted Ordinance No. 2002-063, later amended by Ordinance No. 2002-071, which implements Section 98, Chapter 2002-20, Laws of Florida, known as the "Dori Slosberg Driver Education Safety Act," which authorized 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 driver education programs in public and non-public schools; and

WHEREAS, the Legislature has amended the "Dori Slosberg Driver Education Safety Act", now codified as Section 318.1215, Florida Statutes, to increase from \$3.00 to \$5.00 the amount of the surcharge counties may collect on each civil traffic penalty; and

WHEREAS, the Board of County Commissioners of Palm Beach County desires to amend Chapter 10, Section 10-9, Palm Beach County Code, to increase the amount of the surcharge the county may collect on each civil traffic penalty from \$3.00 to \$5.00; and

WHEREAS, the Board of County Commissioners of Palm Beach County finds that collection of the increased surcharge will facilitate the implementation of driver education programs in public and nonpublic schools within the county.

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

Section 1. Chapter 10, Section 10-9, Palm Beach County Code, (Ordinance No. Ordinance No. 2002-063, as amended by Ordinance No. 2002-071) is amended to read as follows:

Section 2. CREATION OF DRIVER EDUCATION SAFETY TRUST FUND,
COLLECTION OF AN ADDITIONAL \$5.00 ~~\$3.00~~ WITH EACH CIVIL
TRAFFIC PENALTY TO BE DEPOSITED IN THE DRIVER EDUCATION
SAFETY TRUST FUND, AND ACCOUNTING.

1 a.) Pursuant to the Dori Slosberg Driver Education Safety Act, ~~on and after October 1,~~
2 2002, the clerk shall collect an additional \$5.00 ~~\$3.00~~ with each civil traffic penalty levied in
3 the county to be used for driver education programs.

4 b.) The clerk will keep a record of monies collected under this section. On a monthly
5 basis, the clerk of the circuit court shall forward all monies collected under this section in the
6 previous month to the board of county commissioners for deposit into a special and separate
7 account titled "Driver Education Safety Trust Fund." Once each quarter, the board of county
8 commissioners shall receive a report from the county administrator as to the amount of money
9 received from the clerk and deposited into the driver education safety trust fund, and as to the
10 amount of money disbursed from the driver education safety trust fund.

11 **Section 2. REPEAL OF LAWS IN CONFLICT:**

12 All local laws and ordinances in conflict with any provisions of this Ordinance are
13 hereby repealed to the extent of such conflict.

14 **Section 3. SEVERABILITY:**

15 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
16 reason held by a court of competent jurisdiction to be unconstitutional, inoperative, or void,
17 such holding shall not affect the remainder of this Ordinance.

18 **Section 4. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

19 The provisions of this Ordinance shall become and be made a part of the Code of Laws
20 and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be
21 renumbered or relettered to accomplish such, and the word "ordinance" may be changed to
22 "section", "article", or other appropriate word.

23 **Section 5. CAPTIONS:**

24 The captions, section headings, and section designations used in this Ordinance are for
25 convenience only and shall have no effect on the interpretations of the provisions of this
26 Ordinance.

27 **Section 6. EFFECTIVE DATE:**

28 The provisions of this Ordinance shall become effective on October 1, 2006 and upon
29 filing with the Department of State.

30

1 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
2 County, Florida, on this the ____ day of _____, 20____.

3 SHARON R. BOCK, CLERK AND
4 COMPTROLER

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

5
6
7 By: _____
8 Deputy Clerk

By: _____
Tony Masilotti, Chairman

9
10 APPROVED AS TO FORM AND
11 LEGAL SUFFICIENCY

12
13
14 By: _____
15 County Attorney
16

17 EFFECTIVE DATE: Filed with the Department of State on the ____ day of
18 _____, 20____.

19

20

21

ORDINANCE NO. 2002-071

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE 2002-063, PROVIDING FOR QUARTERLY DISBURSEMENTS OF DRIVER EDUCATION SAFETY TRUST FUNDS TO THE PALM BEACH COUNTY SCHOOL BOARD; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Palm Beach County enacted Ordinance No. 2002-063 to implement Section 98, Chapter 2002-20, Laws of Florida, known as the "Dori Slosberg Driver Education Safety Act," which authorizes counties to enact an ordinance requiring the clerk of the court to collect an additional three dollars (\$3.00) with each civil traffic penalty to be used to fund driver education programs in public and non-public schools; and

WHEREAS, Ordinance No. 2002-063 provides for annual disbursement of a percentage of Driver Education Trust Fund monies to the School Board of Palm Beach County; and

WHEREAS, the Board of County Commissioners of Palm Beach County finds that quarterly disbursement of Driver Education Trust Fund monies will facilitate implementation of driver education programs in public schools.

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

Section 1. QUARTERLY DISBURSEMENT OF DRIVER EDUCATION TRUST FUND MONIES TO THE PALM BEACH COUNTY SCHOOL BOARD

Section 3 of Ordinance No. 2002-063 is amended to read:

Section 3. DISBURSEMENT OF DRIVER EDUCATION SAFETY TRUST FUND MONIES

a.) Monies deposited into the Driver Education Safety Trust Fund shall be used to financially assist driver education safety programs in public and non-public schools in the County. The funds shall be used for

ORDINANCE NO. 2002 071

1 direct educational expenses and shall not be used for
2 administration costs.

3 b.) ~~On an annual basis,~~ A percentage of the funds
4 collected under this Ordinance shall be disbursed at the
5 end of each fiscal quarter to the School Board of Palm
6 Beach County for driver education programs in public
7 schools. The percentage of funds disbursed to the School
8 Board shall be based on the number of students enrolled
9 in public schools that are eligible to participate in
10 driver education programs. In order to receive funding
11 under this Ordinance, the School Board shall execute a
12 Grant Acceptance Agreement, acknowledging that funds
13 received under this Ordinance shall only be used for
14 direct educational expenses for driver education
15 programs, and promising that funds received under this
16 Ordinance will not be used to replace existing driver
17 education funding levels or funding sources.

18 c.) A percentage of the funds collected under this
19 Ordinance shall be made available for disbursement to
20 eligible non-public schools as part of a grant program.
21 The percentage of funds disbursed to eligible non-public
22 schools as part of the grant program shall be based on
23 the number of students enrolled in non-public schools
24 that are eligible to take driver education.

25 d.) Grant program procedures shall be developed by
26 the County Administrator and approved by the Board of
27 County Commissioners. A Grant Program Administrator may
28 be designated by interlocal agreement, resolution of the
29 Board of County Commissioners, or other formal directive
30 by the Board of County Commissioners. In order to
31 receive funds from the Driver Education Safety Trust
32 Fund, eligible grant applicants shall apply for funds and
33 receive grant approval in accordance with grant program

1 procedures, and shall execute a Grant Acceptance
2 Agreement, acknowledging that funds received under the
3 Ordinance shall only be used for direct educational
4 expenses for driver education programs, and promising
5 that funds received under this Ordinance will not be used
6 to replace existing driver education funding levels or
7 funding sources.

8 e.) Non-public elementary schools, middle schools,
9 and high schools that offer driver education instruction
10 are eligible to apply for a grant under this Ordinance.

11 f.) Criteria that may be considered as a basis for
12 grant selection includes, but is not limited to the
13 following:

14 1.) The number of years the grant applicant has
15 administered a driver education program;

16 2.) The number of students who have successfully
17 completed the grant applicant's driver education
18 program;

19 3.) The grant applicant's safety record;

20 4.) The extent to which the grant applicant's
21 curriculum meets all applicable local, state, and
22 federal guidelines for driver education programs.

23 g.) Final approval of grant awards shall be made
24 by the Board of County Commissioners upon recommendation
25 by the Grant Program Administrator or the County
26 Administrator.

27 h.) Monies that have not been disbursed at the end
28 of each fiscal year shall be retained for disbursement in
29 the following fiscal year.

30 **Section 2. REPEAL OF LAWS IN CONFLICT:**

31 All local laws and ordinances in conflict with any provisions
32 of this Ordinance are hereby repealed to the extent of such
33 conflict.

ORDINANCE NO.

1 Section 3. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:

2 The provisions of this Ordinance shall become and be made a
3 part of the Code of Laws and Ordinances of Palm Beach County,
4 Florida. The sections of this Ordinance may be renumbered or
5 relettered to accomplish such, and the word "ordinance" may be
6 changed to "section", "article", or other appropriate word.

7 SECTION 4. EFFECTIVE DATE:

8 The provisions of this Ordinance shall become effective upon
9 filing with the Department of State.

10 APPROVED and ADOPTED by the Board of County Commissioners of
11 Palm Beach County, Florida, on this the 17 day of
12 December, 2002.

13 DOROTHY H. WILKEN, CLERK

14 PALM BEACH COUNTY, FLORIDA, BY ITS
15 BOARD OF COUNTY COMMISSIONERS

16 By: Linda C. Hickman
17 Deputy Clerk

16 By: Karen T. Marcus
17 Chair

18 APPROVED AS TO FORM AND
19 LEGAL SUFFICIENCY

20 By: Amy Taylor Petrick
21 County Attorney

22 Filed with the Department of State on the 20 day of
23 December, 2002.

Safety Council

of Palm Beach County, Inc.

June 21, 2006

Mr. Vincent Bonvento
Assistant County Administrator
301 N Olive Ave
West Palm Beach, Florida 33401

Dear Mr. Bonvento,

Drivers Education summer school is in full swing right now at six area High Schools. Public and private school students who cannot otherwise take this course during their school year take it during the summer. Parents are very appreciative, and count on us to provide the driving component of the classroom curriculum.

The popularity of Drivers Education is growing everyday not only during summer school but also throughout the entire year.

Palm Beach County has taken a leadership role in adopting this essential program and should applaud its success thus far. Our County Commissioners have set the precedent for other counties around the state to follow. We have the largest program and others contact us to see how to implement a similar program in their counties.

The three-dollar assessment money has enabled us to train many students; however, the demand is greater than the dollars available. We urgently need to increase the assessment to \$5.00 on each moving violation.

We have 21 training vehicles and gas and maintenance prices have skyrocketed in the last year alone. We appeal to the County Commissioners to increase the assessment to \$5.00 so that we may continue this worthwhile program.

This grass roots program that started back in 1999 had many community partners but it is the assessment dollars that has taken this program to the level it is at now. Many students have been trained and we are now into our eighth year of providing Behind the Wheel driving.

I am happy to report that we have trained 13,547 students since its inception. The program has grown each and every year; in fact, since January of this year through today's date we have trained 1,737 students.



06-21-'06 12:46 FROM-Safety Council PBC

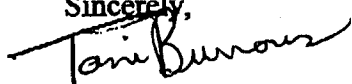
561-683-1717

T-194 P003/003 F-472

We look forward to continued success and a special thank you to the Commissioners in supporting our children.

I can be reached at 689-4733.

Sincerely,

A handwritten signature in cursive script that reads "Toni Burrows".

Toni Burrows
Executive Vice-President
Safety Council of Palm Beach County Inc.
561-689-4733
561-683-1717 fax

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

ENROLLED

HB 7079, Engrossed 3

2006 Legislature

2516 (b) A person who is either the owner or a lessee required
2517 to maintain insurance under s. 324.021(9)(b) and who operates
2518 limousines, jitneys, or any other for-hire passenger vehicles,
2519 other than taxicabs, may prove financial responsibility by
2520 furnishing satisfactory evidence of holding a motor vehicle
2521 liability policy as defined in s. 324.031.

2522
2523 Upon request by the department, the applicant must provide the
2524 department at the applicant's principal place of business in
2525 this state access to the applicant's underlying financial
2526 information and financial statements that provide the basis of
2527 the certified public accountant's certification. The applicant
2528 shall reimburse the requesting department for all reasonable
2529 costs incurred by it in reviewing the supporting information.
2530 The maximum amount of self-insurance permissible under this
2531 subsection is \$300,000 and must be stated on a per-occurrence
2532 basis, and the applicant shall maintain adequate excess
2533 insurance issued by an authorized or eligible insurer licensed
2534 or approved by the Office of Insurance Regulation. All risks
2535 self-insured shall remain with the owner or lessee providing it,
2536 and the risks are not transferable to any other person, unless a
2537 policy complying with subsection (1) is obtained.

2538 Section 49. Section 318.1215, Florida Statutes, is amended
2539 to read:

2540 318.1215 Dori Slosberg Driver Education Safety Act.--
2541 ~~Effective October 1, 2002,~~ Notwithstanding the provisions of s.
2542 318.121, a board of county commissioners may require, by

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

ENROLLED

HB 7079, Engrossed 3

2006 Legislature

2543 ordinance, that the clerk of the court collect an additional \$5
2544 ~~\$3~~ with each civil traffic penalty, which shall be used to fund
2545 driver education programs in public and nonpublic schools. The
2546 ordinance shall provide for the board of county commissioners to
2547 administer the funds, which shall be used for enhancement, and
2548 not replacement, of driver education program funds. The funds
2549 shall be used for direct educational expenses and shall not be
2550 used for administration. Each driver education program receiving
2551 funds pursuant to this section shall require that a minimum of
2552 30 percent of a student's time in the program be behind-the-
2553 wheel training. This section may be cited as the "Dori Slosberg
2554 Driver Education Safety Act."

2555 Section 50. Subsection (1) of section 316.083, Florida
2556 Statutes, is amended to read:

2557 316.083 Overtaking and passing a vehicle.--The following
2558 rules shall govern the overtaking and passing of vehicles
2559 proceeding in the same direction, subject to those limitations,
2560 exceptions, and special rules hereinafter stated:

2561 (1) The driver of a vehicle overtaking another vehicle
2562 proceeding in the same direction shall give an appropriate
2563 signal as provided for in s. 316.156, shall pass to the left
2564 thereof at a safe distance, and shall not again drive to the
2565 right side of the roadway until safely clear of the overtaken
2566 vehicle. The driver of a vehicle overtaking a bicycle or other
2567 nonmotorized vehicle must pass the bicycle or other nonmotorized
2568 vehicle at a safe distance of not less than 3 feet between the
2569 vehicle and the bicycle or other nonmotorized vehicle.

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

ENROLLED
HB 7079, Engrossed 3

2006 Legislature

2570 Section 51. Except as otherwise expressly provided in this
2571 act, this act shall take effect October 1, 2006.
2572