

ORDINANCE NO. 2007- 28

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING COUNTY ORDINANCE 2003-48; PROVIDING FOR AN INCREASE IN THE ASSESSMENT TO \$5.00 FOR EACH CIVIL TRAFFIC VIOLATION IN ST. JOHNS COUNTY IN ADDITION TO ANY OTHER PENALTY PROVIDED FOR VIOLATIONS UNDER THE FLORIDA UNIFORM TRAFFIC CONTROL LAW; PROVIDING FOR THE COLLECTION OF THE \$5.00 PENALTY; PROVIDING THAT THE FUNDS GENERATED BY SUCH PENALTY SHALL BE USED FOR THE ENHANCEMENT OF DRIVER EDUCATION PROGRAMS; PROVIDING THAT ANY DRIVER EDUCATION PROGRAM RECEIVING COUNTY FUNDS REQUIRE THAT A MINIMUM OF THIRTY PERCENT OF A STUDENT'S TIME BE BEHIND-THE-WHEEL TRAINING; PROVIDING SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, St. Johns County, Florida has all powers of self-government not inconsistent with general law or special law approved by the vote of the electors; and

WHEREAS, Section 318,1215, Florida Statutes (the "Dori Slosberg Driver Education Safety Act"), authorizes the Board of County Commissioners of St. Johns County, Florida to adopt an ordinance, in order to authorize the Clerk of the Courts to collect an additional dollar amount with each civil traffic penalty, for the purpose enhancing driver education programs in public and non-public schools located within St. Johns County; and

WHEREAS, the Clerk of the Courts of St. Johns County, Florida, requested that the Board of County Commissioners of St. Johns County, Florida amend County Ordinance 2003-48, in order to authorize the imposition of \$5.00 (above any other authorized and/or imposed penalty), in order to enhance driver education programs in public and non-public schools located within St. Johns County; and

WHEREAS, the Board of County Commissioners of St. Johns County, Florida, has determined that imposing \$5.00 (above any other authorized and/or imposed penalty) will provide funding for the enhancement of driver education programs in public and non-public schools, thereby protecting the public health, safety, and welfare of the citizens of St. Johns County.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

Section 1. Effect of Recitals.

The above recitals are incorporated by reference into the body of this Ordinance, and such recitals 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 public and non-public schools located within St. Johns County, Florida.

Section 3. Amendment of Section 2 of County Ordinance 2003-48.

Section 2 of County Ordinance 2003-48 is amended to read as follows:

Section 2. Imposition of Additional Assessment.

In addition to any other penalty provided for violations of the Florida Uniform Traffic Control Law pursuant to Florida Statutes, there is hereby assessed a five dollar (\$5.00), (above any other authorized and/or imposed) penalty for each civil traffic violation issued, as of, and after, the effective date of this Ordinance in St. Johns County, Florida.

Section 4. Amendment of Section 3 of County Ordinance 2003-48.

Section 3 of County Ordinance 2003-48 is amended to read as follows:

Section 3. Collection of Penalty.

The Clerk of the Courts of St. Johns County, Florida, is directed to collect the five dollar (\$5.00) imposed by this Ordinance, and the Clerk is directed to remit to the Board of County Commissioners, on a monthly basis, the funds collected.

Section 5. Amendment of Section 4 of County Ordinance 2003-48.

Section 3 of County Ordinance 2003-48 is amended to read as follows:

Section 4. Use of \$5.00

- A. The Board of County Commissioners shall administer said funds remitted to the County pursuant to this Ordinance, and said funds shall be used for the enhancement, and not replacement, of driver education program funds. The funds shall be used for direct educational expenses, and shall not be used for administrative purposes.
- B. In order to receive funds from the Driver's Education Safety Fund, public and non-public school driver programs shall be selected as recipients of grants to fund and/or enhance direct driver education expenses on the basis of a selection procedure which shall be developed by the County Administrator and approved by the Board of County Administrator. Such procedures shall include program evaluation criteria which give credit for factors such as percentage and number of eligible students served and relative program quality. Such procedures shall not preclude award of all available funds to one or more particular qualified programs serving all eligible students in St. Johns County. Final approval of particular grants shall be made by the Board of County Commissioners after consideration of recommendations by the County Administrator. Such grants may be awarded during the County's annual budget process, or on some other periodic basis as determined by the Board of County Commissioners.
- C. The terms and conditions of such grants shall be contained in agreement between the St. Johns County Board of County Commissioners and each Grantee. At a minimum however, each agreement shall require that a minimum of thirty percent (30%) of a student's time in the program be behind-the-wheel training.

Section 6. Severability.

It is the intent of the Board, and it is hereby provided, that if any phrase, clause, sentence, subsection, section, or provision of this Ordinance is held to be invalid, or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining phrases, clauses, sentences, subsections, sections, or provisions of this Ordinance.

Section 7. Effective Date.

A certified copy of this Ordinance shall be filed with the Florida Department of State by the Clerk of the Board of County Commissioners of St. Johns County, Florida, within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall take effect on June 1, 2007.

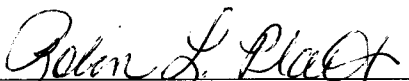
PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 1st day of May, 2007.

**BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA**

By: 
Chairman

ATTEST: CHERYL STRICKLAND

RENDITION DATE 5/3/07

By: 
Clerk

Adopted regular meeting May 1, 2007

Effective: May 8, 2007

The St. Augustine Record

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

COPY OF ADVERTISEMENT

NOTICE OF PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on Tuesday, May 1, 2007 at 9:00 a.m. in the County Auditorium at the County Administration Complex, 4020 Lewis Speedway (County Road 16-A) and U.S.1 North, St. Augustine, Florida, to consider adoption of the following ordinance:

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING COUNTY ORDINANCE 2003-48; PROVIDING FOR AN INCREASE IN THE ASSESSMENT TO \$5.00 FOR EACH CIVIL TRAFFIC VIOLATION IN ST. JOHNS COUNTY IN ADDITION TO ANY OTHER PENALTY PROVIDED FOR VIOLATIONS UNDER THE FLORIDA UNIFORM TRAFFIC CONTROL LAW; PROVIDING FOR THE COLLECTION OF THE \$5.00 PENALTY; PROVIDING THAT THE FUNDS GENERATED BY SUCH PENALTY SHALL BE USED FOR THE ENHANCEMENT OF DRIVER EDUCATION PROGRAMS; PROVIDING THAT ANY DRIVER EDUCATION PROGRAM RECEIVING COUNTY FUNDS REQUIRE THAT A MINIMUM OF THIRTY PERCENT OF A STUDENT'S TIME BE BEHIND-THE-WHEEL TRAINING; PROVIDING SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of the Board of the County Commissioners of the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined prior to the public hearings.

Interested parties may appear at the public hearing 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 any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 209-0650 at the St. Johns County Courthouse, 4010 Lewis Speedway, Room 276, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing.
BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND, ITS CLERK
By: Patricia DeGrande, Deputy Clerk
L1008-7 Apr 19, 2007

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **SARAH SELFRIDGE**

who on oath says that he is an Accounting Clerk of the St. Augustine Record,

a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement, being a **NOTICE OF HEARING**

in the matter **ORDINANCE TRAFFIC VIOLATION**

was published in said newspaper in the issues of

APRIL 19, 2007.

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this **19TH** day of **APRIL, 2007.**

by Sarah Selfridge who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification.

Patricia A Bergquist

(Signature of Notary Public)



Patricia A. Bergquist
My Commission DD275991
Expires December 18, 2007

(Seal)

PATRICIA A. BERGQUIST



FLORIDA DEPARTMENT OF STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

May 9, 2007

Ms. Cheryl Strickland
Clerk of the Circuit Court
St. Johns County
4010 Lewis Speedway
St. Augustine, Florida 32084-8637

Attention: Yvonne King, Minutes and Records Division

FILED
07 MAY 15 AM 9:15
CHERYL STRICKLAND
CLERK COUNTY COMMISSION
ST. JOHNS COUNTY FL

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated May 4, 2007 and certified copies of St. Johns County Ordinance Nos. 2007-28 through 2007-33, which were filed in this office on May 8, 2007.

Sincerely,

Liz Cloud
Program Administrator

LC/lbh

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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