

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: Wed., June 20, 2007

Division: BOCC

Bulk Item: Yes No

Department: Mayor Di Gennaro, District 4

Staff Contact Person: Tamara Lundstrom
(305 289-6000)

AGENDA ITEM WORDING: Approval and direction to staff to advertise for public hearing to amend Ordinance #021-2002, which implemented the Dori Slosberg Driver Education Safety Act, increasing the surcharge from \$3.00 to \$5.00 on civil traffic penalties.

ITEM BACKGROUND: A surcharge is collected on each civil traffic penalty, which is used to fund driver education safety programs in public and non-public schools, established by Florida Statute in 2002. The Florida Legislature in 2006 passed an amendment to F.S. 318.1215 increasing the surcharge. The County has an active Inter-local Agreement with the School Board for the driver education programs, which is planned for expansion in all three of the high schools.

PREVIOUS RELEVANT BOCC ACTION:

Ordinance #021-2002 approved August 21, 2002

Inter-local Agreement with Monroe County School Board for funding of Driver Education Safety Program approved June 18, 2003

CONTRACT/AGREEMENT CHANGES:

STAFF RECOMMENDATIONS:

TOTAL COST: _____

BUDGETED: Yes No

COST TO COUNTY: _____

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes No **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty OMB/Purchasing Risk Management

DOCUMENTATION: Included Not Required

DISPOSITION: _____

AGENDA ITEM # _____

Select Year:

The 2006 Florida Statutes

[Title XXIII](#) [Chapter 318](#) [View Entire Chapter](#)
MOTOR VEHICLES DISPOSITION OF TRAFFIC INFRACTIONS

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.

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Dori Slosberg Assessment

1. Has your county passed an ordinance to impose the additional Dori Slosberg monies on traffic violations as authorized in s. 318.1215, F.S.?
2. If you answered "yes" to number 1, has the ordinance been revised to increase the amount from \$3 to \$5?
3. How much was collected from the Dori Slosberg Assessment during county fiscal year 2005-2006?
4. How much was collected from this assessment from October 1, 2006 to January 31, 2007?


County	1	2	3	4	Comments
Madison	Yes	No	\$27,853	\$5,474	
Manatee	Yes	Yes	\$105,798	\$44,339	
Marion	Yes	Yes	\$115,306	\$61,951	
Martin	Yes	Yes	\$72,516	\$29,574	
Monroe	Yes	No	\$77,760	\$29,233	
Nassau	Yes	Yes	\$26,955	\$14,303	
Okaloosa	No				
Okeechobee	Yes	Yes	\$21,540	\$8,674	
Orange	Yes	No	\$610,169	\$222,704	
Osceola	Yes	Yes	\$174,633	\$70,734	
Palm Beach	Yes	Yes	\$518,902	\$204,656	
Pasco	Yes	No	\$141,845	\$45,242	
Pinellas	Yes	No	\$142,308	\$106,809	
Polk	Yes	No	\$283,916	\$94,295	
Putnam	Yes	Yes	\$33,935	\$15,357	
Santa Rosa	Yes	Yes	\$66,370	\$28,751	
Sarasota	Yes	No	\$107,835	\$58,263	
Seminole	Yes	Yes	\$235,480	\$93,253	
St. Johns	Yes	No	\$86,678	\$27,517	
St. Lucie	Yes	Yes	\$138,750	\$69,757	
Sumter	Yes	Yes	\$46,788	\$27,025	
Suwannee	Yes	No	\$12,546	\$5,188	
Taylor	No				
Union	No				
Volusia	Yes	Yes	\$189,269	\$139,923	
Wakulla	Yes	No	\$12,561	\$4,556	
Walton	Yes	No	\$25,526	\$11,306	
Washington	Yes	No	\$24,535	\$7,769	
Total:			\$8,384,921	\$3,148,510	

57 counties have an ordinance for the Dori Slosberg assessment.
 25 of those counties have increased the assessment from \$3 to \$5.



Office of the County Administrator
Memorandum

To: Danny Kolhage, Clerk of Courts

From: Thomas J. Willi, County Administrator 

Date: June 5, 2007

RE: **Monroe County School Board ILA Traffic Education**

Please find attached for your records a copy of recent correspondence from the Monroe County School Board requesting funding in the amount of \$164,838.33 for fiscal year 2008.

The request is based upon an Inter Local Agreement (ILA) for the enhancement of driver education programs in Monroe County (copy attached).

In accordance with the ILA, requirements I have reviewed County Code as well as applicable state statute and find that the request is compliant with these ILA established guidelines.

In my communications with the School Board staff on the subject, I have verified that the funds will be used to enhance the program as evidenced by the expansion of the program for the middle and lower keys.

With your concurrence, and confirmation of the availability of funds, please process the attached request in accordance with the Inter Local Agreement.

Please notify me if you should have any questions or concerns regarding the School Board request. Thank you.

C: Mayor and County Commission

RANDY ACEVEDO
Superintendent of Schools



**BUILDING BRIDGES
TO SUCCESS**

April 9, 2007

Mr. Tom Willi, County Administrator
C/o Office of Management and Budget
1100 Simonton Street
Key West, FL 33040
Subject: Inter-local Agreement Traffic Education Programs

Dear Mr. Willi:

Monroe County School District is continuing to expand the Driver Education Programs in all three of the high schools. Due to the Slosberg funding MCSD has made great strides in ensuring our youth be given the proper and necessary driver training.

Presently, we have increased our course offerings at Coral Shores High School which is a year round program. We hope to offer Driver Education for the Key Largo area this summer to address the need of students not enrolled in our public schools as this has been an increasing need.

Last summer we offered courses at Marathon High School and Key West High School while structuring the curriculum and improving instructional delivery. We are in the process of purchasing our third and final vehicle for the road portion. Both schools are hoping to offer the course during the school year similar to Coral Shores High School.

Last summer we had to utilize an out of the county teacher to teach these courses. This should not be necessary any longer due to this funding. In January, a teacher was able to complete his course work and will be eligible to teach this summer. Another teacher will be finishing his course work this month. Finally, a third teacher has renewed his certification and has received training to learn the new standards to instruct with today's vehicles and safety methods. We now have four certified Driver Education teachers in the county. The goal is to have several certified teachers, which will afford us year round program county-wide.

We have attached a proposed budget for Driver Education in fulfillment of the Inter-local Agreement and request funding for this provided said agreement. If you have any questions or concerns, please contact Sunny Booker, Safe Schools Coordinator, or Kathy Reitzel, Finance Director, at 293-1400. Thank you for your attention to this matter,

Sincerely,

Randy Acevedo
Superintendent of Schools

Members of the Board
District #1
STEVEN PRIBRAMSKY

District #2
ANDY GRIFFITHS
Chair

District #3
DR. R. DUNCAN MATHEWSON, III
Vice Chair

District #4
JOHN R. DICK

District #5
DR. DEBRA WALKER

RECEIVED

MAY 10 2007

COUNTY ADMINISTRATOR

**Project #8412 Driver's Education
2007-08**

	Salary	Retirement FICA	Insurance	Work Comp	Unemployment materials	Car Mainten:	Fuel	Tuition	conference	TOTALS
County Wide	\$25,765.60	\$2,759.50	\$1,971.07	\$2,902.00	\$515.31	\$77.30	\$500.00	\$2,500.00	\$3,000.00	\$11,400.00
Lower Keys	\$18,902.80	\$2,024.49	\$1,446.06	\$378.06	\$378.06	\$56.71				\$33,990.78
Middle Keys	\$66,880.00	\$7,162.85	\$5,116.32	\$1,337.60	\$200.64					\$26,006.44
Upper Keys	\$10,000.00	\$996.75	\$765.00	\$201.75	\$30.00					\$81,447.61
Summer Programs	\$121,548.40	\$12,943.59	\$9,298.45	\$7,052.27	\$2,260.97	\$334.65	\$500.00	\$2,500.00	\$3,000.00	\$11,993.50
Total										\$164,838.33

ORDINANCE NO. 021 -2002

AN ORDINANCE AMENDING THE MONROE COUNTY CODE BY CREATING A NEW SECTION 11-12 FOR THE PURPOSE OF IMPLEMENTING THE DORI SLOSBERG DRIVER EDUCATION SAFETY ACT, CH 2002-20 § 98, LAWS OF FLORIDA, TO HELP FUND TRAFFIC EDUCATION PROGRAMS IN MONROE COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE; AND DIRECTING THE CLERK OF THE BOARD TO FORWARD A CERTIFIED COPY OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Florida Legislature has enacted the Dori Slosberg Driver Education Safety Act, Chapter 2002-02, § 98, Laws of Florida, which permits Counties to collect an additional three dollars \$3.00 with each traffic penalty for the purpose of funding traffic education programs in public and nonpublic schools; and

WHEREAS, several citizens of Monroe County have lost their lives in traffic accidents during the last few years; and

WHEREAS, the citizens of Monroe County have spoken out for the need for enhanced traffic education programs for our newest drivers; and

WHEREAS, operating any motor vehicle requires skill and judgment, attributes that can be enhanced by education; and

WHEREAS, a significant number of County citizens and businesses may be negatively impacted by even a minor automobile accident on U.S. 1/S.R. 5 due to the unique geography of Monroe County; and

WHEREAS, this Board has previously voted to encourage the Monroe County School Board and the Florida Legislature to expand and enhance driver and rider education programs as part of school curriculum, and

WHEREAS, it is the combined desire of the Monroe County Board of County Commissioners and the Monroe County School Board to become partners in providing traffic education for all students in the County; and

WHEREAS, it is the desire of the Monroe County Board of County Commissioners that the following amendment to the County Code be approved, adopted, and transmitted to the Department of State for approval; **now therefore**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT

Section 1. Section 11-12 is hereby created to read as follows:

(a) Definitions: As used in this section, the term:

- (1) "School" shall include any school operated by the Monroe County School Board, and any accredited private school located within Monroe County.
- (2) "School Board" shall include the Monroe County School Board and the administrative authority for any other school as that term has been defined in paragraph (1).
- (3) "Traffic education" shall include programs that teach students the proper methods for operating motor vehicles, motorcycles, mopeds, scooters, bicycles, and other modes of transportation as deemed appropriate by the school board.

(b) There is hereby imposed a surcharge of three dollars (\$3.00) for each civil traffic penalty which shall be used to fund traffic education programs in schools located in the County subject to the following provisions.

- (1) Upon enactment of this ordinance, there shall be created a fund known as the Monroe County Traffic Education Fund.
- (2) All moneys raised by this subsection shall be budgeted and expended by the Board of County Commissioners by payment to, or on behalf of, schools located in the County. The budgeting and expenditure of said funds is declared to be a proper public and County purpose in and for the County.
- (3) The Board of County Commissioners is authorized to appropriate such additional funds, as it may deem necessary from other available sources for the purpose of establishing and maintaining traffic education programs in the county.
- (4) All funds raised through this subsection shall be used for direct educational expenses and shall not be used for administrative expenses.
- (5) All funds raised through this subsection shall be distributed pursuant to interlocal agreements or contracts entered into with the appropriate school board.

Section 2. If any section, subsection, sentence, clause, item, change, or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 4. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the county of Monroe, Florida, as an addition or amendment

thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 5. This ordinance shall be filed in the office of the Secretary of State, but shall not become effective until October 1, 2002.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 21st day of August, 2002.

Mayor McCoy	<u>yes</u>
Mayor Pro Tem Spehar	<u>yes</u>
Commissioner Nelson	<u>yes</u>
Commissioner Neugent	<u>yes</u>
Commissioner Jimenez	<u>yes</u>



Attest: DANNY KROLHAGE, Clerk

By Isabel De Santis
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By [Signature]
Mayor/Chairperson

jdorddrivered

FILED FOR RECORD

2002 OCT. 1 PM 12:44

DANNY KROLHAGE
CLK. CIR. CT.
MONROE COUNTY, FLA.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY.

By [Signature]
ROBERT N. WOLFE

DATE 10-1-02

INTERLOCAL AGREEMENT
SCHOOL BOARD AND BOARD OF COUNTY COMMISSIONERS

This Interlocal Agreement is entered into by and between Monroe County, a political subdivision of the State of Florida (hereafter County), and the School Board of Monroe County (hereafter School Board).

WHEREAS, Sec. 318.1215, FS, authorizes the Monroe County Board of County Commissioners by ordinance to collect an additional \$3 with each civil traffic penalty to be used for traffic education programs in public and nonpublic school;

WHEREAS, the County in Ordinance No. 021-2002, codified as Sec. 11-12, Monroe County Code, provided for the collection of the additional \$3; and

WHEREAS, the School Board desires to use the revenue generated by the additional \$3 to fund traffic education programs in the public schools in Monroe County; now, therefore,

In consideration of the mutual consideration and promises set forth below, the parties agree as follows:

1. a) On or before June 1 of each year the School Board's Superintendent (Superintendent) shall submit to the County Administrator (Administrator) its proposed annual traffic education programs for the upcoming year together with a proposed budget.
- b) The Administrator shall promptly review the proposed traffic education programs and budget. If the Administrator determines that any of the programs, program item or budget items are not reasonably within the term "traffic education programs" as described in Sec. 316.1215, FS, Sec. 11-12, MCC, or otherwise do not comply with general law, he shall so inform the Superintendent in writing together with suggested modifications necessary to bring the proposed program, program item or budget item into compliance with Sec. 318.1215, FS, Sec. 11-12, MCC, or

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DAVID L. KOLHAGE
CLERK
MONROE COUNTY, FLA.

the applicable provision of general law. The Administrator's decision regarding the compliance of any program, program item or budget item with Sec. 318.1215, FS, Sec. 11-12, MCC, or applicable provision of general law is final.

c) Once the Administrator has determined that the School Board's proposed traffic education programs and budget comply with Sec. 318.1215, FS, Sec. 11-12, MCC, and general law he shall forward copies of the same together with his written approval to the County Clerk. The Clerk shall then pay to the School Board, out of the Monroe County Traffic Education Fund, the following:

- 1) the budget amount requested; or
- 2) if the revenue collected pursuant to Sec. 11-12, MCC, is insufficient to pay the budget amount requested, then the amount available;

2. If the situation described in subparagraph 1(c)2 occurs, then, after the initial payment, the Clerk shall thereafter make monthly payments by the 15th of each month equal to the revenue collected pursuant to Sec. 11-12, MCC, during the immediately preceding month, less any administrative costs. Such monthly payments shall continue to be paid until such time as the approved budget amount is fully paid or the School Board's traffic programs described in its annual request are completed, whichever occurs first.

Under no circumstances may the amount paid by the County to the School Board pursuant to this agreement exceed the amount that is collected pursuant to Sec. 11-12, MCC, and deposited in the Monroe County Traffic Education Fund.

3. The School Board acknowledges that nonpublic schools are also eligible to receive funds generated from the \$3 added to each civil traffic penalty imposed pursuant to Sec. 318.1215, FS, and Sec. 11-12, MCC. The School Board intends to propose a budget and programs that are open to the public and private students of Monroe County on an equal basis. While the School Board understands that the County reserves the right to enter into agreements with non-public schools pursuant to the statute, it is also understood

that the County will consider the School's County-wide proposal open to all public and private students. Additionally, should the County opt to enter into a non-public school agreement the School Board will be given the ability to amend its proposal to reflect only public school students.

4. The School Board agrees to keep its records pursuant to this agreement according to generally accepted governmental accounting principles and make those records available to an auditor employed by the County or the State of Florida during normal business hours. The records for each year's traffic education program must be retained for a period of three years after the date each year's traffic education program are concluded. If an auditor employed by the State or County determines that funds paid by the County to the School Board pursuant to this agreement were spent for purposes not authorized by this agreement, Sec. 318.1215, FS, or Sec. 11-12, MCC, then the School Board must repay the funds determined by the auditor to have been misspent, together with interest calculated at the rate set forth in Sec. 55.03(1), FS, running from the date the auditor determined that the funds were misspent.

5. To the extent authorized by Sec. 768.28, FS, the School Board agrees to indemnify and hold harmless the members of the Monroe County Board of County Commissioners, the County, its officers, employees, agents and contractors from liability to any person or persons on account of injury to persons or property, or on account of the death of any person, which occurred as the result of any act or omission of any School Board officer, employee, agent or contractor, arising out of, or in connection with, the traffic education programs funded wholly or in part by this agreement.

6. The contact person for the County and School Board are:

Monroe County
County Administrator
1100 Simonton Street
Key West, FL 33040

School Board
Superintendent
241 Trumbo Road
Key West, FL 33040

All written correspondence required by this agreement must be sent to persons and addresses described above. Other individuals, may be substituted as contact persons with written notification of the substitution.

7. This agreement does not create, and may not be construed to create, any relationship, duties, liability, or obligation to, or on behalf of, any third parties.

8. This agreement remains in effect until the occurrence of any of the following:

- a) The County Commission repeals Sec. 11-12, MCC;
- b) The School Board elects not to provide traffic education programs;
- c) Sec. 318.1215, FS, or another provision or general law, is repealed or amended in such a way as to make this agreement inconsistent with general law.

9. This agreement will take effect when an executed original is filed with the Clerk of the Circuit Court of Monroe County.

IN WITNESS WHEREOF, the Board of County Commissioners and School Board have affixed their respective hands and seals the dates indicated below.



(SEAL)
ATTEST: DANNY L. KOLHAGE, CLERK

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By Isabel C. DeSantis 6/11/04
Deputy Clerk
Date 06-18-2003 BOCC mtg.

By Murray E. Wilson
Mayor/Chairman

ATTEST:
By John Kattip
Superintendent
Date May 6, 2004

MONROE COUNTY SCHOOL BOARD
By Eileen Quinn
Chairman

Date Filed in the Clerk's Office: _____
jlaSBDriving

APPROVED AND LEGAL
[Signature]
ROBERT A. WOLFE
DATE 5-13-03 [Signature] 6/11/04