

ORDINANCE 2005 - 28

AN ORDINANCE CREATING THE "FIREFIGHTER EDUCATION PROGRAM TRUST FUND"; PROVIDING FOR THE CREATION OF THE FIREFIGHTER EDUCATION PROGRAM TRUST FUND, COLLECTION OF AN ADDITIONAL \$3.00 WITH EACH CIVIL PENALTY FOR NONCRIMINAL NONMOVING TRAFFIC VIOLATIONS OF THE PROHIBITION AGAINST PARKING BY A FIRE STATION OR FIRE HYDRANT AND ACCOUNTING; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Pursuant to Florida Statutes, Section 316.008, a County may enact an Ordinance specifying fines for violations of Florida Statute, Section 316.1945(1)(b)(2) or (5), in excess of those allowed by Florida Statute, Section 318.18(2), which sets penalties for non-criminal nonmoving traffic infractions for violations of the prohibition against parking by a fire station or fire hydrant; and

WHEREAS, Florida Statute, Section 316.008(5), provides that such additional fines can be no more than three and no/100 dollars (\$3.00); and

WHEREAS, Florida Statutes, Section 316.008(5), provides that such additional fines collected shall be used for the purpose of funding Firefighter Education Programs; and

WHEREAS, Florida Statutes, Section 316.008(5) (a), provides that the Clerk of the Court to the County report such additional fines on a monthly basis.

NOW, THEREFORE, BE IT ORDAINED this 11th day of April, 2005, by the Board of County Commissioners of Nassau County, Florida, as follows:

1. Pursuant to Florida Statute Section 316.008(5), or its successor, when any person is fined for a non-criminal nonmoving traffic violation of Florida Statute, Section 316.1945(1)(b)(2) or (5), which prohibits the standing or parking of a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger(s) within twenty (20) feet of the driveway entrance to any fire station or the side of a street opposite the entrance to any fire station within seventy five (75) feet of such entrance (when properly signposted), the Nassau Clerk of the Circuit and County Courts of Nassau County Florida (hereinafter the "Clerk") shall collect an additional three dollars (\$3.00), to be used for funding Firefighter Education Programs.


2. The Clerk will keep a record of monies collected under this Ordinance on a monthly basis. The Clerk shall forward all monies collected under this Ordinance in the previous month to the Board of County Commissioners of Nassau County, Florida, (hereinafter "The Board of County Commissioners") for deposit into a special and separate account entitled "Firefighters Education Program Trust Fund". Once each quarter, the Board of County Commissioners shall

receive a report from the County Administrator, or his/her designee, as to the amount of money received from the Clerk and deposited into the Firefighter Education Program Trust Fund and the amount of money proposed to be disbursed from the Firefighter Education Program Trust Fund. The Board of County Commissioners, upon recommendation of the County Administrator, shall approve all disbursements.


3. **Severability.** If any provisions of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared severable.

4. **Effective Date.** This Ordinance shall take effect upon filing a copy of this Ordinance with the Secretary of State.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

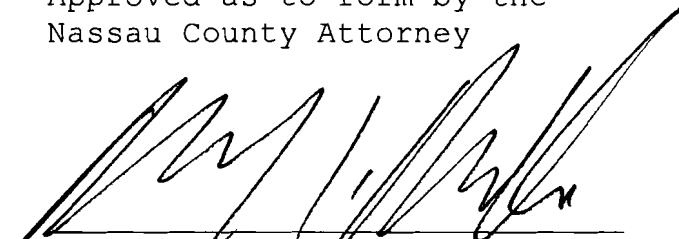

~~ANSLEY N. ACREE~~ THOMAS D. BRANAN, JR.
Its: Chairman

ATTEST:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney



MICHAEL S. MULLIN

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