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ORDINANCE NO.: 2013-17

AN ORDINANCE AMENDING SECTION 18-31 OF THE HERNANDO COUNTY CODE TO REMOVE CRIMINAL PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING EFFECTIVE DATE.

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

**Section 1. Elimination of Criminal Penalties.** Hernando County Code § 18-31 of the Hernando County Code is hereby amended to read as follows:

Criminal and civil penalties, code enforcement, revocation costs of prosecution.

(a) Revocation of a pain management clinic registration certificate may be pursued by the county at any time in addition to code violation enforcement actions specified in this article.

~~(b) Pursuant to section 125.69, Florida Statutes, any person or persons, firm or corporation, or any agent thereof who violates any provision of this section shall be subject to prosecution in the name of the state in the same manner as misdemeanors are prosecuted; and, upon conviction such person shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail not to exceed sixty (60) days or by both such~~

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1           ~~fine and imprisonment. Each incident or separate occurrence of an act that~~  
2           ~~violates this article shall be deemed a separate offense.~~

3           (e)(b) Any person or persons, firm or corporation, or any agent thereof who violates  
4           any provision of this article may be prosecuted in the manner provided for in  
5           chapter 2, article III, of the Hernando County Code of Ordinances.

6           (d)(c) The remedies and penalties herein are not intended to be cumulative and the  
7           sheriff's office and/or the county may institute any appropriate action or  
8           proceedings to prevent, restrain, enjoin, correct or abate a violation of this  
9           article as allowed by law.

10          (e)(d) In any of the above code enforcement or revocation actions, in the event the  
11          county prevails, the entire cost of prosecution, including attorney fees and  
12          witness costs are recoverable against the responsible parties, including but  
13          not limited to the owner, designated physician or other person

14          **Section 2. Severability.** It is declared to be the intent of the Board of County  
15          Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this  
16          ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the  
17          validity of the remaining portions of this ordinance.

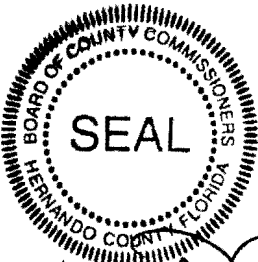
18          **Section 3. Inclusion in the Code.** It is the intention of the Board of County Commissioners  
19          of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall  
20          become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the

1 section of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that  
2 the word "ordinance" may be changed to "section, "article," or other appropriate designation.

3 **Section 4. Conflicting Provisions Repealed.** All ordinances or parts of ordinances in  
4 conflict with the provisions of this ordinance are hereby repealed.

5 **Section 5. Effective Date.** This ordinance shall take effect immediately upon receipt of  
6 official acknowledgment from the office of the Secretary of State of Florida that this ordinance has  
7 been filed with said office.

8 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**  
9 **HERNANDO COUNTY** in Regular Session this 11 day of June 2013



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16 Attest: [Signature]  
17 DONALD C. BARBEE, JR.  
18 Clerk

19  
20 **BOARD OF COUNTY COMMISSIONERS**  
**HERNANDO COUNTY, FLORIDA**

21  
22  
23 By: [Signature]  
24 DAVID D. RUSSELL, JR.  
Chair

20 Approved for Form and Legal Sufficiency

21  
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23  
24 [Signature]  
Assistant County Attorney



## FLORIDA DEPARTMENT of STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

June 19, 2013

Honorable Don Barbee, Jr.  
Clerk of the Circuit Court  
Hernando County  
Room 131, 20 North Main Street  
Brooksville, Florida 34601-2800

Attention: Ms. Ashley Hofecker, Deputy Clerk

Dear Mr. Barbee:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated June 13, 2013 and certified copies of Hernando County Ordinance Nos. 2013-17 through 2013-20, which were filed in this office on June 19, 2013.

As requested, the date-stamped originals are being returned for your records.

Sincerely,

A handwritten signature in black ink that reads "Liz Cloud".

Liz Cloud  
Program Administrator

LC/elr

Enclosure