

## Amy Stephens

---

**From:** County Ordinances <CountyOrdinances@dos.myflorida.com>  
**Sent:** Monday, June 16, 2014 9:10 AM  
**To:** Amy Stephens  
**Cc:** County Ordinances  
**Subject:** RE: Hernando County Ordinances  
**Attachments:** Hernando20140613\_Ordinance2014\_13\_Ack.pdf

---

**From:** Amy Stephens [<mailto:astephens@co.hernando.fl.us>]  
**Sent:** Friday, June 13, 2014 11:42 AM  
**To:** County Ordinances  
**Subject:** Hernando County Ordinances

Sender Full Name:	Amy Stephens
Sender Phone number:	352-540-6399
County Name:	Hernando
Ordinance Number:	2014-13

*Kindest Regards,*

*Amy Stephens*

*Hernando County Clerk's Office, Deputy Clerk  
Jury Services & Administrative Services*

*20 N. Main St., Rm. 241  
Brooksville, FL 34601  
352/540- 6399 phone  
352/540- 4327 fax  
[astephens@hernandocounty.us](mailto:astephens@hernandocounty.us)  
[www.hernandoclerk.com](http://www.hernandoclerk.com)*



Don Barbee Jr.  
Clerk of Court & Comptroller  
Hernando County, Florida  
(352)540-6246

---

Please note: Florida has a very broad Public Records Law. Most written communications to or from the Clerk's Office are public records available to anyone upon request. Your e-mail, including your e-mail address, may therefore, be subject to public disclosure.

@ItsWorkingFL



The Department of State is committed to excellence.  
Please take our [Customer Satisfaction Survey](#).



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

June 16, 2014

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

Attention: Ms. Shannon Andrews, Administrative Services

Dear Mr. Barbee:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2014-13, which was filed in this office on June 16, 2014.

Sincerely,

Liz Cloud  
Program Administrator

LC/mrh

Enclosure



1           WHEREAS, Section 938.21, Florida Statutes, authorizes the courts to assess, for alcohol and  
2 other drug abuse programs, a court cost up to the amount of the fine authorized for the offense, to  
3 any defendant who pleads guilty or nolo contendere to, or is convicted of any criminal violation  
4 under Chapters 893, 562, 567 or 568, Florida Statutes, and/or Sections 316.193, 856.011 or 856.015,  
5 Florida Statutes; and,

6           WHEREAS, Sections 938.21 and 938.23, Florida Statutes, authorize courts to order an  
7 additional assessment, in addition to any fine imposed by law for any criminal violation of Chapter  
8 893, 562, 567 or 568, Florida Statutes, and/or Section 316.193, 856.011 or 856.015, Florida Statutes,  
9 in an amount up to the amount of the fine authorized for the offense, if the court finds that the  
10 defendant has the ability to pay the fine and the additional assessment and will not be prevented  
11 thereby from being rehabilitated or from making restitution;

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

14           **Section 1. Establishment of a Hernando County Alcohol and Other Drug Abuse Trust**

15 **Fund.** A new Hernando County Code § 11-7 is created to read as follows:

16           Drug and Alcohol Court Costs.

17           (1) Findings. The Board of County Commissioners of Hernando County, Florida  
18           ("the Board"), hereby finds and determines that there is established or in existence  
19           within Hernando County one or more comprehensive alcohol and other drug abuse  
20           treatment or education programs which meet the standards for qualification of such

1           programs by the Florida Department of Children and Family Services.

2           (2) Establishment of Hernando County Alcohol and Other Drug Abuse Trust  
3           Fund.

4           (a) Pursuant to the authority granted under Sections 893.13, 938.13,  
5           938.21 and 938.23, Florida Statutes, there is hereby established the Hernando County  
6           Alcohol and Other Drug Abuse Trust Fund ("Trust Fund"), into which shall be  
7           deposited all monies remitted to Hernando County pursuant to Sections 893.165,  
8           938.13, 938.21 and 938.23, Florida Statutes. These monies shall be used only for the  
9           support of alcohol and other drug abuse treatment and educational programs based  
10           in Hernando County, Florida, which meet the standards of qualifications for such  
11           programs of the Florida Department and Family Services. All such assessments shall  
12           be collected by the Clerk of the Circuit Court ("the Clerk") for deposit into the Trust  
13           Fund, with the exception of the \$1 service charge for the Clerk referenced in Section  
14           938.13, Florida Statutes. Monies in such Trust Fund will be held, distributed and  
15           accounted for in the manner set forth in Section 893.165, Florida Statutes, and other  
16           appropriate Florida law. All monies on deposit in the Trust Fund at the end of any  
17           fiscal year shall be entirely carried forward into the Trust Fund for the ensuing fiscal  
18           year.

19           (b) The Board shall be responsible for the establishment, implementation,  
20           administration, supervision, and evaluation of the Trust Fund.

1           (c) Once each month, the Board shall require a full report from the Clerk  
2           as to the amount of costs and assessments imposed by the courts, the amount of funds  
3           collected and deposited into the Trust Fund, and the amount of expenditures from the  
4           Trust Fund.

5           (3) Mandatory Costs. Pursuant to Section 938.13, Florida Statutes, when any  
6           person is found guilty of any misdemeanor under the laws of this state in which the  
7           unlawful use of drugs or alcohol is involved, there shall be imposed an additional  
8           cost in the case, in addition to any other cost required to be imposed by the law, in  
9           the sum of \$15. The Clerk shall collect the \$15 and forward \$14 to the Board to be  
10           deposited to the credit of the Trust Fund for allocation to local substance abuse  
11           programs under Section 893.165, Florida Statutes. The Clerk shall retain the  
12           remaining \$1 of each \$15 collected as a service charge of the Clerk's office.

13           (4) Discretionary Costs and Assessments.

14           (a) Pursuant to Section 938.21, Florida Statutes, when any defendant who  
15           pleads guilty or nolo contendere to, or is convicted of any criminal violation under  
16           Chapter 893, 562, 567, or 568, Florida Statutes and/or Sections 316.193, 856.011 or  
17           856.015, Florida Statutes, in addition to any fine and other penalty provided by law,  
18           there shall be imposed a court cost, for alcohol and other drug abuse programs, in the  
19           amount of \$15 or, in the judge's discretion, a greater amount not to exceed the fine  
20           authorized for the violation. Such costs shall be imposed in each case unless waived

1 by the judge. The Clerk shall collect the court cost, if imposed, and forward it to the  
2 Board to be deposited to the credit of the Trust Fund for allocation to local substance  
3 abuse programs.

4 (b) Pursuant to Section 938.23, Florida Statutes, in addition to any fine  
5 imposed by law for any criminal offense under Chapter 893 or for any criminal  
6 violation of Sections 316.193, 856.011, 856.015 or Chapters 562, 567, or 568, Florida  
7 Statutes, the court shall be authorized to impose an additional assessment in an  
8 amount up to the amount of the fine authorized for the offense, if the court finds that  
9 the defendant has the ability to pay the fine and the additional assessment and will  
10 not be prevented thereby from being rehabilitated or from making restitution. Any  
11 additional assessments shall be collected by the Clerk and forwarded to the Board to  
12 be deposited to the credit of the Trust Fund for the purpose of providing assistance  
13 grants to drug abuse treatment or alcohol treatment or education programs as  
14 provided in Section 893.165, Florida Statutes.

15 (5) Allocation of Funds and Selection of Recipient Programs.

16 (a) Monies deposited into the Trust Fund shall be used to financially  
17 assist alcohol and other drug treatment or education programs based in Hernando  
18 County which meet the standards for qualification of such programs by the Florida  
19 Department of Children and Family Services.

20 (b) Allocation of funds and selection of recipient programs. Monies



1           collected pursuant to this section shall be allocated and budgeted by the Board to  
2           local substance abuse programs approved or allowed under state law.

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

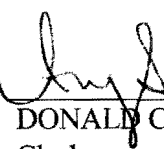
7           **Section 3. Inclusion in the Code.** It is the intention of the Board of County Commissioners  
8 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall  
9 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the  
10 section of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that  
11 the word "ordinance" may be changed to "section," "article," or other appropriate designation.

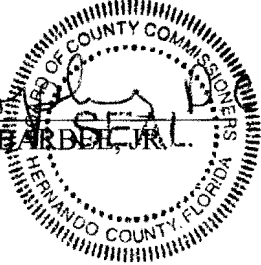
12           **Section 4. Conflicting Provisions Repealed.** All ordinances or parts of ordinances in  
13 conflict with the provisions of this ordinance are hereby repealed.

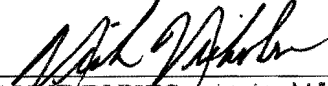
14           **Section 5. Effective Date.** This ordinance shall take effect immediately upon receipt of  
15 official acknowledgment from the office of the Secretary of State of Florida that this ordinance has  
16 been filed with said office.

1 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
2 HERNANDO COUNTY in Regular Session this 14th day of June 2014

3  
4 BOARD OF COUNTY COMMISSIONERS  
5 HERNANDO COUNTY, FLORIDA  
6

7  
8 Attest   
9 DONALD C. BARBELL, JR.  
10 Clerk  
11  
12  
13  
14  
15  
16  
17  
18  
19



By:   
~~WAYNE DUKES~~ Nick Nicholson  
Chairman

Approved for Form and Legal Sufficiency  
Digitally signed by Jon A. Jouben  
DN: cn=Jon A. Jouben, o=Hernando  
County, ou=County Attorney's Office,  
email=jjouben@hernandocounty.us,  
c=US  
Date: 2014.05.19 10:04:45 -04'00'  
Jon A. Jouben  
Deputy County Attorney