

Amy Stephens

From: County Ordinances <CountyOrdinances@dos.myflorida.com>
Sent: Monday, June 16, 2014 9:08 AM
To: Amy Stephens
Cc: County Ordinances
Subject: RE: Hernando County Ordinances
Attachments: Hernando20140613_Ordinance2014_14_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:	2014-14

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
www.hernandoclerk.com*



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

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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. 2014-14, which was filed in this office on June 16, 2014.

Sincerely,

Liz Cloud
Program Administrator

LC/mrh

Enclosure

ORDINANCE NO. 2014 - 14

AN ORDINANCE OF THE HERNANDO COUNTY BOARD OF COMMISSIONERS AMENDING SECTION 21- 150 "RESERVED" OF THE CODE OF ORDINANCES OF HERNANDO COUNTY BY PROVIDING FOR A PROHIBITION AGAINST FULLY RECLINING ON A MASS TRANSIT BENCH, WITHIN A BUS SHELTER OR SURROUNDING SIDEWALK DURING BUS OPERATING HOURS; PROVIDING FOR PENALTIES FOR VIOLATION; PROVIDING FOR INCLUSION; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there is currently no ordinance or applicable state statute which prohibits a person from fully reclining or sleeping on a bus bench, in a bus shelter or on the surrounding sidewalk; and

WHEREAS, on occasion, persons, whether due to intoxication, homelessness or otherwise, sleep or fully recline on bus benches, in bus shelters or adjacent sidewalks; and

WHEREAS, fully reclining in such places is dangerous for the person and is unnecessarily disruptive and inconvenient to adults, children, special needs or disabled riders attempting to use or travel on mass transit buses; and

WHEREAS, people fully reclining or sleeping in such specific use areas detracts from the overall appearance of the unincorporated County and otherwise adversely affects the general health, welfare and safety of the bus riding public in the County; and

WHEREAS, this Ordinance contains an exception for the act of "nodding off" while sitting on a bus bench or other appropriate location within a bus shelter where people may sit, and this Ordinance is not in effect twenty-four hours a day; and

WHEREAS, the prohibitions against fully reclining or sleeping on a bus bench, in a bus shelter or on the surrounding sidewalk protects the rights of all bus riders within the County. This Ordinance leaves ample other public spaces or times for reclining or sleeping if it is necessary for any person.

NOW, THEREFORE,

Section 1. Chapter 21 "Offenses" of the Code of Ordinances of Hernando County is hereby amended by repealing Section 21-150 replacing it with the following language:

Sec. 21-150. Fully reclining on bus benches, in bus shelters and on surrounding sidewalks.

No person over the age of 18 years shall lie down or fully recline on any mass transit bus bench, inside any bus shelter or surrounding sidewalk between the hours of 5:30 am to 8:00 pm. Sleeping while in an upright seated position does not constitute a violation of this section. Upon observing a violation of this section, an officer shall order the person violating the provisions of this section to discontinue the violation, and in case of neglect or refusal to obey such order, to arrest or cause to be arrested the person so refusing or neglecting to obey. A person violating this section shall be punished as provided in Chapter 1, Section 1-8 of the Hernando County Code of Ordinances.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 3. Conflicting Provisions Repealed. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

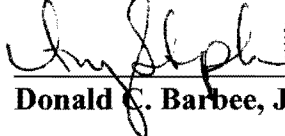
Section 4. Inclusion in the Code. It is the intention of the Board of County Commissioners of Hernando County, Florida and it is hereby provided that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the section of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section," "Article," or other appropriate designation.

Section 5. Effective Date. This Ordinance shall become effective immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this Ordinance has been filed with said office.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY in Regular Session June 10, 2014.

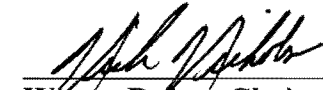
**BOARD OF COUNTY COMMISSIONERS,
HERNANDO COUNTY, FLORIDA**

ATTEST:

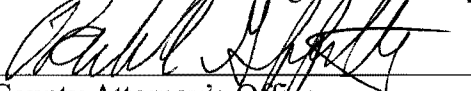

Donald C. Barbee, Jr., Clerk



BY:


Wayne Dukes, Chairman
Nick Nicholson

Approved for Form and Legal Sufficiency

BY: 
County Attorney's Office