



Legislation Details (With Text)

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On agenda: 2/13/2024 **Final action:**
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Title: Consideration of Community Service Agreement to Compromise Outstanding Civil Restitution Lien Order Filed Against Timothy David Martin

Sponsors:

Indexes:

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Attachments: 1. Martin Request for Forgiveness, 2. Martin Civil Restitution Lien Order, 3. Martin 2011-CF-1793 Docket, 4. Martin Hernando County Court Activity, 5. Martin Amended Affidavit Violation of Probation, 6. Martin Order Denying Motion to Convert CRLO, 7. Martin Interest Calculation, 8. CRLO Discharge in Full, 9. Timothy Martin Community Service Agreement, 10. Email Correspondence With Timothy Martin, 11. Exhibit of Civil Restitution Lien Order Forgiveness Email Correspondence from Timothy Martin, 12. Approved Consideration of Community Service Agreement to Compromise Outstanding Civil Restitution Lien Order Filed Against Timothy David Martin

Date	Ver.	Action By	Action	Result
2/13/2024	1	Board of County Commissioners	adopted	Pass

TITLE

Consideration of Community Service Agreement to Compromise Outstanding Civil Restitution Lien Order Filed Against Timothy David Martin

BRIEF OVERVIEW

On September 7, 2012, a Civil Restitution Lien Order (CRLO) was recorded in Book 2933, Page 74 of the Official Records of Hernando County, Florida against Timothy David Martin. Said lien was in the amount of \$9,000.00 and has been accruing judgment interest pursuant to Florida law since that time. The total principal and accrued interest as of December 31, 2023 was \$13,854.98.

On November 3, 2023, Mr. Martin asked that the CRLO be forgiven, including all accrued interest because of financial hardship. Additionally, he stated that he cannot register to vote as a convicted felon because the CRLO has not been paid. In researching the request, it was discovered that the CRLO stems from Mr. Martin’s violation of his probation for the offense of Grand Theft from a Dwelling. His repeated petitions to the Court to convert the state mandated CRLO to community service hours were all denied.

On December 12, 2023, the Board directed staff to confirm the statutorily mandated hourly conversion rate for community service hours and prepare an agreement for Mr. Martin’s consideration. Pursuant to 938.30(2) and 318.18(8), Fla. Stat., and 29 U.S.C. 206(a)(1), the hourly conversion rate is \$7.25. Mr. Martin must therefore perform 1,241 community service hours within 155 weeks (roughly 8 hours per week) to satisfy the principal under the CRLO. An agreement was prepared incorporating this information and, at the request of Staff, specifying that the community

service be performed at Hernando County Animal Services. Mr. Martin does not agree with those terms and has requested that the conversion rate instead be \$10 per hour. Additionally, he would prefer to perform the community service somewhere closer to his home in Spring Hill, Florida.

At this time, the Board should consider the proposed agreement as well as the changes requested by Mr. Martin. Should the Board vote to enter into the proposed agreement, upon successful fulfillment of the agreement, the Clerk's Finance Division will be directed to issue Mr. Martin a United States Internal Revenue Service Form 1099 in the total amount of the CRLO and interest that has accrued up to the date of fulfillment. At such time, the County Attorney's Office will record a Discharge of Lien in substantially the same form as that attached here.

FINANCIAL IMPACT

N/A

LEGAL NOTE

The Board is authorized to act on this matter pursuant to Chapter 125, Florida Statutes.

RECOMMENDATION

It is recommended that the Board discuss the proposed agreement in conjunction with Mr. Martin's requests and provide direction to staff on how to proceed.