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**Office Locations:**

Pasco County Courthouse  
38053 Live Oak Avenue, Suite 205  
Dade City, FL 33523-3894

West Pasco Judicial Center  
7530 Little Road, Suite 106  
New Port Richey, FL 34654

East Pasco Government Center  
14236 Sixth Street, Suite 201  
Dade City, FL 33523

West Pasco Government Center  
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New Port Richey, FL 34654

East Pasco Records Center  
38319 McDonald Street  
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## *Office of Paula S. O'Neil* *Clerk & Comptroller* *Pasco County, Florida*

### **Watering Restriction Violations**

In response to heightened watering restrictions in Pasco County, many citizens are concerned about the punitive process for those found in violation of these restrictions. This letter serves to clear up any confusion you may have about your responsibilities and options should you be issued a citation for a watering violation. Please understand that the Clerk & Comptroller's Office handles all ticket payments for watering violations, whereas the County Attorney's Office reviews appeals to dismiss or reduce citations/tickets.

Citations/tickets for watering violations are *not* criminal violations; they are civil violations, punishable by a fine and court costs only. Issuance of a citation/ticket does not create a *criminal record* against any person.

Once a citation/ticket has been issued, the defendant (the person named on the citation/ticket) must do one of the following:

- **Pay the citation/ticket** before the arraignment date located on the front bottom portion of the citation; payment is made directly to the Clerk. Instructions for paying the ticket are located on the "Instructions to Defendants" page enclosed with your citation/ticket.

**OR**

- **Go to the arraignment** on the date and time listed on the citation/ticket.

The only office that has the authority to change, dismiss, or review a ticket is the County Attorney's Office. The County Attorney's Office requires a written notarized statement from you in order to review a ticket prior to your arraignment date. This statement is required if you request a review or information about your ticket, for any reason. The County Attorney's Office will not accept verbal requests for information or consideration regarding your citation; a written statement must be given.

The statement must be notarized and should contain everything you want the attorney to know about your situation. If you think your citation should be reduced or dismissed, your statement should include the following information:

- reason you think the citation/ticket should be dismissed/reduced
- name
- address
- contact phone number or email address
- number on the citation/ticket (which will be 51-2009-\_\_\_\_\_ - COAWS or -COAES)

You should attach any relevant documentation to your statement that you want the attorney to consider. A form for your statement is available for you to use if you want to use it; using the form is not required, but your statement must contain all of the information that is on the form. The form is available on the county's website: [www.pascocountyfl.net](http://www.pascocountyfl.net).

If you are attaching a statement from another person (such as a landscaper, contractor, neighbor, etc.), it must be notarized. The attorney will not consider unsworn statements from anyone. Receipts, invoices, cancelled checks, etc. submitted as supporting documentation do not need to be *notarized* when they accompany a sworn statement.

The following are examples of defenses to the citation that the County Attorney's Office will consider. Your statement should reflect the facts and circumstances unique to your situation and you should attach supporting documentation so the attorney can verify your statement.

**Legitimate defenses include:**

- You were not the owner of the house on the date and time of the alleged illegal watering. You would probably want to include a copy of the deed showing you sold the house prior to the date of the watering.
- You are the owner of the house, but a tenant resides there and controls the watering. You have no control over the irrigation settings, timing, or the premises in relation to watering. You would probably want to include a copy of the lease, and provide contact information for the tenant so the information can be verified by the attorney.
- You have reclaimed water, or a well, or are not in a service area subject to SWFWMD restrictions, and you believe you were watering on the correct day and time. You would want to include a utility bill or some other evidence so the attorney can verify your information.
- You recently installed new sod or landscaping, your watering was limited to those areas, and was performed at the correct time of day. You would want to include receipts for the purchase and/or installation of the materials so that the attorney can verify when the installation took place.
- Repairs were being made to the system at the actual time that the watering occurred. You would want to attach receipts for labor, parts, etc.
- You believe the fine amount is wrong because you had a previous citation dismissed so this should not count as a second (or third) offense.
- Your lawn had been treated with chemicals or pesticides and you were instructed to water within a certain time period, you were watering at the correct time, and the yard was posted with the required signage (date, time of application) at the time of the alleged illegal watering. You would want to include receipts and instructions from your landscape treatment.
- The homeowner's association controls the master sprinkler system for the neighborhood including your residence and has obtained a variance from Pasco County Utilities regarding the days the system is operated. You would want to provide contact information for the HOA and a copy of the variance if you can obtain it.

**The following situations will not usually warrant a dismissal by the attorney:**

- You did not know or did not understand the watering restrictions that applied to the residence.
- Your timer was improperly set or not working appropriately and you have fixed it now.
- Power surges or storms caused the sprinkler to go off improperly.
- You were out of town/at work/you live here only part-time and you did not realize the sprinklers were running or were set for the wrong day.
- It was an honest mistake.
- You have never received a ticket before for anything.
- You didn't receive a warning first. (The water management authority (SWFWMD) prohibits the county from issuing warnings prior to citations).
- You are on a fixed or limited income and cannot afford to pay the fine. (Payment plans are available from the Clerk).
- You received two watering citations for two different days, but didn't know about the first one before the second offense occurred.

The attorney will review all statements that are submitted as long as they are notarized, but if your situation falls within this category, please do not expect a dismissal. Once you have completed your statement and had it notarized, you should make a copy for yourself, and the statement and documentation should be delivered to Pasco County. Statements can be mailed to 7530 Little Road, Suite 140, NPR, 34654, faxed to 727-847-8021, scanned and emailed to Jackie Lucier at [jlucier@pascocountyfl.net](mailto:jlucier@pascocountyfl.net) or Linda Coltey at [lcotey@pascocountyfl.net](mailto:lcotey@pascocountyfl.net), or dropped off in person to Suite 140 in the West Pasco Government Center, 7530 Little Road, New Port Richey, FL 34654.

The statement and supporting documentation will be forwarded to the attorney for review and decision-making. This process may take as long as a week or two, as the attorney must review it and usually contacts the officer to verify the information in the citation/ticket before making a decision. Sometimes the attorney or County Attorney's Office staff will contact you for more information. You will be contacted by the County Attorney's Office with a decision once the review is completed and the attorney comes to a decision. If you do not hear from the County Attorney's Office at least two or three days before your scheduled arraignment date, you may want to follow up with Suzanne Lomascolo at 727-847-8120 to make sure your statement was received. Otherwise, please be patient as you wait for a decision, as the attorney and County Attorney's staff must do a multitude of tasks with respect to your request before it can be determined what will be done with your citation.