

Public hearing and assignment of penalties to be applied to those who do not comply with the rules and regulations adopted by the Bayshore Gardens Board of Trustees pursuant to Florida Law, Chapter 2002-365.

A written and signed complaint must be delivered to the District Office by the person/s with firsthand knowledge of the violation.

The District Manager shall notify the offender/respondent of the violation and shall provide the offender/respondent with a written notice of violation/s and shall include a copy of the violation cited in the notice and a copy of this procedure. The offender/respondent may be represented by his/her attorney

A Public Hearing date and time shall set and be noticed pursuant to FS 189.015. A quorum shall be present for the hearing and the hearing shall be conducted within 30 days of notice of the alleged violation to the offender/respondent. The notice to the offender/respondent shall be by US mail with a return receipt.

If the person( s) accused of violating their privileges of using the Bayshore Gardens common recreation facilities as aforesaid, are "Guests", their sponsor, shall be deemed a co-offender, and shall receive all notifications and communications as the offender, may participate in the public hearing, and shall be considered for any penalties or charges that may be imposed.

The offender/respondent shall be notified, in writing via US Mail, return receipt, no less than 7 days prior to the public hearing of the following: (1)they may be represented by counsel, (2)the time and place of the public hearing,(3)violation (time, place, occurrence, etc.), (4)any information that the investigation into the violation has produced, (5)and the name of the member of the Board of Trustees or authorized person(s) involved in the matter.

The District shall have the District's Attorney present to advise the Board.

#### Procedures for Public Hearing to Review Conduct and Consider Penalties and Charges

Except in instances where allowing the conduct to continue would result in an immediate or irreversible health, safety or welfare concern, persons who have, or are eligible to have a District access who are found by a member of the Board of Trustees or with a written and signed complaint of abusing equipment, causing damage to equipment or the facilities; or are found to be violating any established rule or regulation for the use of the Bayshore Gardens common recreational facilities wherein such action threatens or may threaten the health and/or safety of others; or who are found to be violating the established rules, on more than one occasion, shall have such conduct reviewed at a public hearing for consideration of penalties and charges which the District Office is notified of such violation. This also includes anyone that a guest has been found to be violating the established rules and regulations.

#### Presentations to Board

- The Trustee signing the complaint shall specify the violation/s that led to the scheduling of a public hearing to consider the denial of the use of the facilities, or that led to the denial of the use of the facilities and shall enter into the record the notice of violation sent to the offender/respondent . (5 minutes)

- Question! Answer Period: Board may pose questions to the Trustee signing the complaint. (5 minutes for each Trustee)
- Offender/Respondent or his/her attorney shall provide information to the Board regarding the matter. (10 minutes)
- Questions/Answer Period: Board may pose questions to the Offender/Respondent.

Public Comment (For those with first-hand knowledge of circumstances)

Each member of the public shall be given one 3-minute opportunity to speak to the Board with firsthand knowledge of the incident.

**Final Argument (3 minutes each segment)**

- Trustee shall summarize and present rules that have been violated. Trustee shall make recommendation to the Board for" ... penalties, if any, that may be imposed upon the offender( s), or in the case of 'guests', their sponsors ... " Offender/Respondent shall speak to the matter of the violation and penalties.

**Deliberation**

- Board will deliberate to determine if a violation occurred, if penalties are warranted (reviewing the nature and severity of the violation, and any previous occurrence(s), etc.), and, in the case of a violation which if allowed to continue would result in an immediate or irreversible health, safety or welfare concern, if additional penalties are warranted.

**Determination**

- A motion will be made regarding the matter.
- Following the determination, the Chairman shall issue a written determination, reflecting the decision of the Board. The Chairman shall consult with District Counsel in preparing this final order.

**VIOLATION OF RULES, REGULATIONS, POLICY, OR PROCEDURE NON VIOLENT**

**Penalties and Charges**

Penalties that may be imposed.

1. None.
2. Payment to the Bayshore Gardens Park and Recreation District for any and all damage caused by the offender.
3. Suspension and denial of any use of the Bayshore Gardens common recreational facilities, or of a specific facility, for a specified period of time, not to exceed 180 days from the date of the infraction.
4. Where there is a violation of serious nature where property is damaged or where there is/was a threat to health or safety of others, the individual causing said damage or who has threatened the health and safety of others may be denied the use of all Bayshore Garadens common recreational facilities from time of the infraction for a period of (1) year.
5. A "Guest" found by the Trustees to have violated any rule or regulation wherein such action threatens or may threaten the health and/or safety of others, or who has been found to have deliberately caused damage to any person or property may be denied the use of the Bayshore Gardens common recreational facilities forever

**VIOLATION OF RULES, REGULATIONS, POLICIES, OR PROCEEDURES RELUTING IN  
DAMAGE TO PERSON OR PROPERTY IMMEDIATE DENIAL OF FACILITIES PRIVILEGES**

If the violation is of a serious nature, persons who have, or are eligible to have District access who are found by a member of the Board of Trustees or a written and signed report to the Board of Trustees to enforce these rules, abusing equipment, causing damage to equipment or the facilities; or are found to be violating any established rule or regulation concerning the use of the Bayshore Gardens common recreational facilities wherein such action threatens or may threaten the health and/or safety of others and which if allowed to continue would result in an immediate or irreversible health, safety or welfare concern; shall be immediately denied the use of all of the Bayshore Gardens common recreational facilities .

In the case of a violation which if allowed to continue would result in an immediate or irreversible health, safety or welfare concern may result in the deactivation of access for the use of all Bayshore Gardens common facilities shall continue until a public hearing is held by the Bayshore Gardens Park and Recreation District's Board of Trustees as soon as reasonably possible and determination is made by the Trustees as to the denial of the use of the facilities and any additional penalties, if any, that may be imposed upon the offender(s), or in the case of "Guests", their sponsors. The offender/respondent shall be notified, in writing, 7 days in advance of the emergency special hearing. This notification shall include the following: specific violation , time and place of the emergency special hearing, the violation (time, place, occurrence, etc.), any information that the investigation into the violation has produced, and the name of the member of the Board of Trustees or authorized person(s) involved in the matter. The offender is entitled to be represented by counsel.

**Additional penalties that may be imposed.**

1. None.
2. Payment to the Bayshore Gardens Park and Recreation District for any and all damage caused by the offender.
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Date Approved 12/18/18 Sharon Denson\_

Date Revised \_\_\_\_\_

Date Effective 12/12/18

