

# **Trustee Corporation of Camper's Holiday Association, Inc.**

## **Compliance and Appeals Committee**

### **Purpose**

The Compliance and Appeals Committee is the last step to resolution of a violation of Camper's Holiday Association's Declaration, Bylaws, or Rules and Regulations. The first step is a letter sent by our property manager, advising the unit owner of the violation and when it needs to be resolved. If a second letter is necessary and the violation is still unresolved, the issue is forwarded to the Compliance and Appeals Committee.

This committee was established to comply with Florida Statute 718.303\* and will investigate a possible violation by an owner, tenant, invitee, licensee, guest, contractor or occupant of Camper's Holiday Association's legal documents. The Compliance and Appeals Committee will advise the Camper's Holiday Board of Directors as to whether a levy of fine and/or suspension of rights to the violator should be issued. Upon receipt of a written request from a unit owner or tenant determined by the Board to be in violation, the Compliance and Appeals Committee schedules appeal hearings and decides during the hearing whether or not to impose the fine or suspension of rights.

### **Goal**

The goal of the Compliance and Appeals Committee is compliance with Camper's Holiday Association's Declaration, Bylaws, or Rules and Regulations, **not revenue generation**.

### **Compliance and Appeals Committee Membership**

Three (3) volunteer unit owners of the Camper's Holiday Association will be appointed by the Board of Directors to serve on the Compliance and Appeals Committee. The unit owners will not be Board members nor persons residing in a Board member's household as per Florida Statute 718.303. One (1) Board member will serve as a liaison between the Compliance and Appeals Committee and the Board of Directors and will be a non-voting member of the Committee.

### **Procedures**

Every **Unit Owner** has the right to obtain and the obligation to review and abide by the Camper's Holiday Association's Declaration, By Laws, Articles of Incorporation, Rules and Regulations, or any other agreement, document, instrument, or provision mandated by the Board of Directors. These documents are available in the Camper's Holiday Office located next to the recreation hall, pool and shuffleboard court located on Swan Way.

The **Compliance and Appeals Committee** will investigate possible violations of Camper's Holiday Association's documents noted above. Violations can be one of two types:

1. Single occurrence (such as failure to pick up after one's dog)
2. Ongoing occurrence (such as not removing a nonworking or unregistered vehicle for a period of days)

Some examples of violations can include but are not limited to:

- Failure to provide written notice of unit rental
- Failure to follow pet rules
- Failure to observe quiet hours
- Failure to observe pool rules
- Failure to observe dumpster use rules
- Failure to apply for Camper's Holiday permits for all types of construction regardless of costs.

The **Compliance and Appeals Committee** will advise the Camper's Holiday Board of Directors whether to levy a fine or suspend use rights, or both.

The **Board of Directors** will vote on whether a NOTICE OF LEVY OF FINE AND/OR SUSPENSION OF USE RIGHTS (see Exhibit A) will be sent to the violator. If the motion is passed, the Notice will be signed by an officer of the Board of Directors and mailed via regular mail to the unit owner with a copy to the tenant, if any, requesting payment of a \$100 per day fine for each Occurrence violation and/or compliance. For both a Single Occurrence violation and an Ongoing Occurrence violation, the total amount of the fines to be levied is limited to \$1,000.00 per each violation.

The **Unit Owner** or tenant is responsible for mailing or delivering to Camper's Holiday at 2092 Culbreath Road, Brooksville, FL 34602, the levied fine by check, payable to "Camper's Holiday Association", within thirty (30) days from the date of the Notice or the matter will be sent to legal counsel for collection.

The **Unit Owner** or tenant has the right to contest the fine or suspension of use rights and request a hearing before the Code Enforcement and Appeals Committee. This request must be delivered by written notice to the Board of Directors within seven (7) days of the Notice of Levy of Fine and/or Suspension of Use Rights.

The **Compliance and Appeals Committee** shall conduct a hearing within thirty (30) days after receipt of the Unit Owner's or tenant's written request. The Compliance and Appeals Committee shall provide the Unit Owner or tenant not less than fourteen (14) days written notice of the hearing date. (See Exhibit B)

The **Unit Owner** and/or tenant shall have the right to attend the hearing and to respond to any material considered by the Compliance and Appeals Committee and Camper's Holiday Board of Directors on behalf of the Camper's Holiday Association. The Unit Owner and/or tenant also has the right to produce evidence on his/her own behalf, to provide written and oral argument on all issues involved, and shall have the opportunity to review, challenge, and respond to any material considered in the Notice of Levy of Fine and/or Suspension of Use Rights and Notice of Appeal Hearing.

At the hearing, the **Compliance and Appeals Committee** shall conduct a reasonable inquiry to determine whether the alleged violation in fact occurred and if the fine imposed is appropriate. The Compliance and Appeals Committee shall ratify the fine or suspension of use rights or, if the Compliance and Appeals Committee does not agree with the fine or suspension of use rights, it may reduce or eliminate the fine or suspension of use rights. The Compliance and Appeals Committee will provide the Unit Owner and tenant, if any, with a written notice of its decision at the hearing. (See Exhibit C)

If a fine or suspension of use rights is levied, the **Unit Owner** or tenant, if any, shall have seven (7) days after the date of the written notice of the Compliance and Appeals Committee decision to pay the fine or the matter will be sent to legal counsel for collection.

The **Board of Directors** shall schedule a meeting immediately following the hearing of the Compliance and Appeals Committee. The **Unit Owner** and/or tenant, if any, have the right to appeal the hearing decision of the Compliance and Appeals Committee to the Board of Directors at this Board meeting. The **Unit Owner** and/or tenant, if any, may present arguments on appeal at the Board meeting and the Board will vote on whether or not to impose the fine.

If a **Unit Owner** or tenant fails to attend the Compliance and Appeals Committee Appeal Hearing, the hearing will be deemed waived and the fine or suspension of use rights, if any, will be automatically imposed. The **Compliance and Appeals Committee** shall ratify the fine or suspension of use rights or, if the Compliance and Appeals Committee does not agree with the fine or suspension of use rights, it may reduce or eliminate the fine or suspension of use rights. The Compliance and Appeals Committee shall give the Unit Owner or tenant on the date of the scheduled hearing written notice of its decision. If a fine has been levied, the Unit Owner or tenant, if any, shall have seven (7) days after the scheduled hearing date to pay the fine or the matter will be sent to legal counsel for collection.

### **References**

\*Florida Statute 718.303 – if the declaration or bylaws so provide, the association may levy reasonable fines against a unit for the failure of the owner of the unit, or its occupant, licensee, or invitee, to comply with any provision of the declaration, the association bylaws, or reasonable rules of the association. No fine will become a lien against a unit. No fine may exceed \$100 per violation. However, a fine may be levied on the basis of each day of a continuing violation with a single notice and opportunity for hearing, provided that no such fine shall in the aggregate exceed \$1,000. No fine may be levied except after giving reasonable notice and opportunity for a hearing to the unit owner and, if applicable, its licensee or invitee. The hearing must be held before a committee of other unit owners who are neither board members nor persons residing in a board member's household. If the committee does not agree with the fine, the fine may not be levied. The provisions of this subsection do not apply to unoccupied units.

Condominium associations may suspend the use rights of unit owner where an owner is delinquent for more than ninety (90) days in the payment of any "monetary obligation" to the association. The use rights that can be suspended include the right to use the common elements, the common facilities, and any other association property. Voting rights may also be suspended due to non-payment of a monetary obligation to the association in excess of ninety (90) Days. While an owner's voting rights are suspended, he or she is still counted toward the quorum requirement.

**EXHIBIT A**  
**NOTICE OF LEVY OF FINE AND/OR SUSPENSION OF USE RIGHTS**

From: Camper's Holiday Association

Date: \_\_\_\_\_

To: \_\_\_\_\_  
\_\_\_\_\_

At a duly-noticed meeting on \_\_\_\_\_, the Board of Directors assessed and/or imposed the following fine and/or suspension of use rights as recommended by the Compliance and Appeals Committee on \_\_\_\_\_ for the following violation:

Location/Address: \_\_\_\_\_  
\_\_\_\_\_

Date(s) of Violation: \_\_\_\_\_

Description of Violation: \_\_\_\_\_  
\_\_\_\_\_

In Violation of: \_\_\_\_\_  
\_\_\_\_\_

Amount of Fine: \$ \_\_\_\_\_

Terms of Suspension: \_\_\_\_\_  
\_\_\_\_\_

If you have been assessed a fine, your check, payable to "Camper's Holiday Association" should be mailed or delivered to: Camper's Holiday Association, 2092 Culbreath Road, Brooksville, FL 34602, and must be received by the Association within thirty (30) days from the date of this Notice or the matter will be sent to legal counsel for collection. You can appeal this levy by sending a written request to the Board of Directors within seven (7) days of the Notice of Levy of Fine and/or Suspension of Use Rights. By:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Facsimile: \_\_\_\_\_

**EXHIBIT B**  
**NOTICE OF APPEAL HEARING BEFORE COMPLIANCE AND APPEALS COMMITTEE**

From: Camper's Holiday Association

Date: \_\_\_\_\_

To: \_\_\_\_\_  
\_\_\_\_\_

You are entitled to a Hearing before the Compliance and Appeals Committee that will occur immediately prior to a Board of Directors' Meeting and you may present reasons to the Committee at that time as to why the fine and/or suspension should not be imposed for the following violation of the declaration, bylaws, and/or rules:

Date(s) of Violation: \_\_\_\_\_

Description of Violation: \_\_\_\_\_

In Violation of: \_\_\_\_\_

Proposed Penalty: \_\_\_\_\_

**YOUR HEARING BEFORE THE COMPLIANCE AND APPEALS COMMITTEE IS SCHEDULED FOR:**

**Date:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Place:** \_\_\_\_\_

**YOUR APPEAL HEARING IS ALSO SCHEDULED**

If any portion of the fine or suspension is approved by the Compliance and Appeals Committee, then you shall have the right to appeal the decision to the Board of Directors. **You may present your arguments on appeal at the Board Meeting that will immediately follow the Compliance and Appeals Committee as set forth above.**

**IF YOU DO NOT APPEAR AT THE HEARING, THEN THE FINE AND/OR SUSPENSION MAY BE  
AUTOMATICALLY IMPOSED.**

If you have any questions, please contact the undersigned.

Sincerely,

By: \_\_\_\_\_

Telephone: \_\_\_\_\_

Facsimile: \_\_\_\_\_

**EXHIBIT C – PAGE 1**  
**APPEAL HEARING DECISION OF THE COMPLIANCE AND APPEALS COMMITTEE**  
**CAMPER’S HOLIDAY ASSOCIATION**

**THE HEARING WAS CALLED TO ORDER:**

Time: \_\_\_\_\_

Date: \_\_\_\_\_

Location: \_\_\_\_\_

**MEMBERS OF THE COMPLIANCE AND APPEALS COMMITTEE IN ATTENDANCE WERE:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**THE ASSOCIATION WAS REPRESENTED BY:**

\_\_\_\_\_  
\_\_\_\_\_

**THE NOTICE OF INTENT TO FINE AND/OR SUSPEND USE RIGHTS** and the **NOTICE OF APPEAL HEARING BEFORE THE CODE ENFORCEMENT AND APPEALS COMMITTEE**, Setting forth the issues involved are attached.

**THE FOLLOWING PERSONS APPEARED ON BEHALF OF THE OWNER/TENANT:**

\_\_\_\_\_

\_\_\_\_\_ **THE VIOLATOR DID NOT APPEAR FOR THE HEARING.**

**EXHIBIT C – PAGE 2**  
**APPEAL HEARING DECISION OF THE COMPLIANCE AND APPEALS COMMITTEE**  
**CAMPER'S HOLIDAY ASSOCIATION**

After being apprised of the facts and circumstances and hearing any evidence and arguments presented on behalf of the Unit Owner and/or tenant, if any:

\_\_\_\_\_ **The Compliance and Appeals Committee does not approve any fine or suspension of use rights**

\_\_\_\_\_ **The Compliance and Appeals Committee approves the following fine:**

\$\_\_\_\_\_ per day for \_\_\_\_\_ days for a TOTAL FINE of \$\_\_\_\_\_

\_\_\_\_\_ **The Compliance and Appeals Committee approves the following suspension of use rights:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

for \_\_\_\_\_ days.

Sign: \_\_\_\_\_

\_\_\_\_\_ Agree

Print: \_\_\_\_\_

\_\_\_\_\_ Disagree

Chairman, Compliance and Appeals Committee

Sign: \_\_\_\_\_

\_\_\_\_\_ Agree

Print: \_\_\_\_\_

\_\_\_\_\_ Disagree

Member, Compliance and Appeals Committee

Sign: \_\_\_\_\_

\_\_\_\_\_ Agree

Print: \_\_\_\_\_

\_\_\_\_\_ Disagree

Member, Compliance and Appeals Committee

**THE HEARING WAS ADJOURNED AT \_\_\_\_\_**