

***Lake Ashton  
Community Development District  
&  
Lake Ashton II  
Community Development District  
Joint Meeting***

***August 21, 2020***

# AGENDA

# *Lake Ashton and Lake Ashton II*

## *Community Development Districts*

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Phone: 407-841-5524 - Fax: 407-839-1526

August 14, 2020

**Board of Supervisors  
Lake Ashton & Lake Ashton II  
Community Development Districts**

Dear Board Members:

The joint meeting of the Board of Supervisors of the **Lake Ashton Community Development District** and the **Lake Ashton II Community Development District** will be held **Friday, August 21, 2020 at 11:00 AM via Zoom Teleconference**. The Board of Supervisors and members of the public may attend and participate in the meeting utilizing the following options from your computer, tablet or smartphone. To participate using video, please go to the link address below. To participate by telephone, please use the call-in number below and enter the **Meeting ID** when prompted. Members of the public are further encouraged to submit comments or questions in advance of the meeting by email to [jburns@gmscfl.com](mailto:jburns@gmscfl.com), or by telephone by calling (407) 841-5524, up until 2:00 PM on **Thursday, August 20, 2020**.

**Zoom Video Link:** <https://zoom.us/j/91100700713>

**Zoom Call-In Information:** 1-646-876-9923  
**Meeting ID:** 911 0070 0713

Following is the advance agenda for the meeting:

### **Board of Supervisors Meeting**

1. Roll Call and Pledge of Allegiance
2. Approval of Meeting Agenda
3. Public Comments on Specific Items on the Agenda (*the District Manager will read any questions or comments from members of the public in advance of the meeting; those members of the public wanting to address the Board directly should first state his or her name and his or her address.*<sup>1</sup>)
4. Approval of Minutes of the March 13, 2020 Joint Board of Supervisors Meeting

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<sup>1</sup> All comments, including those read by the District Manager, will be limited to three (3) minutes

5. Unfinished Business
6. Discussion Regarding Golf Course Policies and Joint Amenity Policies (*requested by Supervisor Zelazny*)
  - A. Consideration of Resolution 2020-14 Designating a Date, Time, and Place for a Public Hearing on the Adoption of Revised Joint Amenity Policies
  - B. Discussion Regarding Expanding Golf Cart Registration to Entire Community
  - C. Discussion Regarding Enforcement of Golf Cart Registration Policy (*requested by Supervisor Krumrie*)
7. Supervisor Requests and General Public Comments
8. Adjournment

# MINUTES

**MINUTES OF MEETING  
LAKE ASHTON  
COMMUNITY DEVELOPMENT DISTRICT  
AND  
LAKE ASHTON II  
COMMUNITY DEVELOPMENT DISTRICT**

The joint meeting of the Board of Supervisors of the Lake Ashton Community Development District and Lake Ashton II Community Development District was held on March 13, 2020 at 11:00 a.m. at the Lake Ashton II Health & Fitness Center, 6052 Pebble Beach Boulevard, Winter Haven, Florida 33884.

Present and constituting a quorum:

Mike Costello  
Borden Deane  
Bob Ference  
Bob Plummer  
Harry Krumrie

Lake Ashton CDD Chairman  
Lake Ashton CDD Vice Chairman  
Lake Ashton CDD Assistant Secretary  
Lake Ashton CDD Assistant Secretary  
Lake Ashton CDD Assistant Secretary

Doug Robertson  
James Mecsecs  
Stanley Williams  
Carla Wright  
Bob Zelazny

Lake Ashton II CDD Chairman  
Lake Ashton II CDD Vice Chairman  
Lake Ashton II CDD Assistant Secretary  
Lake Ashton II CDD Assistant Secretary  
Lake Ashton II CDD Assistant Secretary

Also present:

Jillian Burns  
Andrew d'Adesky  
Sarah Sandy  
Alan Rayl  
Christine Wells  
Mary Bosman  
Numerous residents

District Manager  
Lake Ashton CDD District Counsel  
Lake Ashton II CDD District Counsel  
District Engineer  
Lake Ashton CDD Community Director  
Lake Ashton II CDD Community Director

***Please note that due to a lot of background noise and conversations portions of the meeting cannot be transcribed verbatim where the recording is inaudible.***

**FIRST ORDER OF BUSINESS**

**Roll Call and Pledge of Allegiance**

Ms. Burns called the roll and the pledge of allegiance was recited.

**SECOND ORDER OF BUSINESS      Approval of Meeting Agenda**

Ms. Burns: The first thing we have is Approval of Meeting Agenda. Anybody have any additions? It is fairly short for us today. If not, do we have a motion from Lake Ashton?

On MOTION by Mr. Krumrie seconded by Mr. Plummer with all in favor the meeting agenda was approved.

Ms. Burns: And Lake Ashton II CDD?

On MOTION by Mr. Robertson seconded by Ms. Wright with all in favor the meeting agenda was approved.

**THIRD ORDER OF BUSINESS      Public Comments on Specific Items on the Agenda** *(speakers will fill out a card and submit it to the District Manager prior to beginning of the meeting. Individuals providing speaker cards will also have an opportunity to speak prior to Board action)*

Ms. Burns: Up next is public comments. I do not have any speaker cards. Do either of you? Alright, looks like we have no public comments.

**FOURTH ORDER OF BUSINESS      Approval of the Minutes from the November 8 and November 15, 2019 Meetings**

Ms. Burns: Next is the Approval of the Minutes from the November 8, 2019 and November 15, 2019 Meetings. Unless anybody has any questions, comments or corrections? Do we have a motion to approve from Lake Ashton?

On MOTION by Mr. Costello seconded by Mr. Deane with all in favor the Minutes from the November 8, 2019 and November 15, 2019 Meetings were approved by the Lake Ashton CDD Board.

Ms. Burns: And for Lake Ashton II CDD?

On MOTION by Mr. Mecsics seconded by Mr. Williams with all in favor the Minutes from the November 8, 2019 and November 15, 2019 Meetings were approved by the Lake Ashton II CDD Board.

**FIFTH ORDER OF BUSINESS      Discussion Regarding Resident Requests to Convey Portions of**

**Newly Acquired Golf Course Property**

Ms. Burns: The next item was a discussion item that came up from a previous Lake Ashton Board meeting that there was direction from staff to put this on a joint meeting. It is discussion regarding resident request to convey portions of the newly acquired golf course property and I think counsel has some comments

Ms. Sandy: Obviously it is an unusual request to get. Generally, this is property that we just acquired and spent government funds on. When considering conveying real property to a private party there would have to be really special circumstances for that. We would have to make a determination that it wasn't needed, a determination of value, as well as considerations on the fact that we are still under payments right now, paying it off. I don't think that this is something that the Board should take up lightly, if it is does want to consider this. I think there is a lot of additional costs that could go into this, and not necessary, unless there is a really special circumstance.

Ms. Burns: Unless there are any Board members who want to consider this request I think we could likely move on unless there is additional discussion from the Board.

**SIXTH ORDER OF BUSINESS**

**Approval of Golf Course Policies  
(requested by Supervisor Zelazny)**

Ms. Burns: Up next is Approval of Golf Course Policies, which was requested by Supervisor Zelazny.

Mr. Zelazny: As you know with the purchase of the golf course, we put in a number of policies. We brought them up at the last meeting for you to have an opportunity to review them. Jan and Andrew said that you guys weren't involved. There are still discussions on that, but what I do want to do because there have been some changes based on resident requests, we were hoping we were going to meet with them and get it done before this meeting. We would like to have Sarah cover the new policies and the changes that we are going to vote on when we get back in session. Then, if you have any questions or concerns as members of the Board, even though you think it falls in our bailiwick, please provide input so that we can finalize them at this time. So, I will turn it over to Sarah.

Ms. Sandy: The updated policies are in the agenda package, as well. They are largely consistent with what was presented to the Boards previously. There are some

changes, especially in regards to, I think there is a little more language in the cart paths and bridges regarding closures, as well as that pets are permitted to be walked on the golf course, the cart paths, and bridges. Pet owners are responsible for picking up after them, as well as must be on a leash. We added in some waiver language and made that a little more detailed in terms of you using the golf course at your own risk if you are using as a non-golfer, on the pathways and bridges you are entering the golf course at your own risk knowing that there could be golfers on the golf course, as well. One item for discussion for the Lake Ashton II Board that we didn't get to our prior meeting is on the ponds. Currently, our joint amenity policy does address the ponds. It does allow for fishing within the ponds. What we need to discuss is specifically the concerns if somebody were fishing or using the ponds that would be within the line of a golf ball of some sort and so what kind of parameters the Board would like to put on that in terms of use if at all for the ponds that are abutting the golf course.

Mr. Robertson: We said we have 60 ponds. That is a lot of places to fish. We should say that people should not be fishing in golf ball areas. You have 60 ponds, we have ample places to do it. We shouldn't be doing it where if someone is out fishing they don't see somebody coming behind them on the golf course and then all sudden a golf ball is launched in their direction. Don't fish where golf balls are landing.

Mr. Zelazny: I believe the language states that you should position yourself away from the path of the golf ball as opposed to trying to restrict which ponds they can go to. The draft policy asks for the fisherman to locate themselves away from the flight of the golf balls and move their golf carts away from the cart paths and to the side. It also addresses alligators and not leaving children around the edges unattended and things like that. It talks about the restriction of swimming and wading and things like that, which were not addressed in the original joint amenities policy. I think it's mostly basically common sense stuff but because the people are going to use them more, we wanted to make sure we addressed all of those things.

Ms. Sandy: So, primarily right now in keeping with the joint amenity policy the only things that you can do in the ponds are fishing and remote control boats, excluding the kayaking that can be done on the larger lakes. The item that we are discussing is what parameters, is the Board comfortable with just the language, again this is something that

we can take up in the Lake Ashton II continued meeting after this, but just specifically what kind of parameters the Board wanted to put on that. The last piece that is really applicable I think is the golf carts. We expanded on the golf cart policy somewhat from the last time. One item was a discussion of whether the golf cart registration should be limited to those golf carts using the golf course or golf carts using any of the District's amenities. I think previously we had it as any of the District's amenities. My point of view was that these policies were specially dealing with the golf course, but again that is again a discussion item that this Board can have at its continued meeting. Bob had some additional comments to the version that is in your agenda, specifically under safety recommendations, he wanted to add the line when passing or approaching another cart in a path, one cart should move to the side towards the golf course allowing the other cart to pass. Under no circumstances should the passing golf cart drive onto a private resident's property. That was a specific item that he wanted to make sure was added in.

Mr. Zelazny: The other major change dealt with the pets on the golf course. Residents wanted to be able to walk their dogs on the sidewalk. We put it back in that pets could be walked on the sidewalk and in the immediate vicinity of the sidewalk as long as the pet owner picked up after them. They had to stay within 30 feet of the greens, etc. There is another caveat on pets that says pets cannot run off leash on the golf course. Pretty much that is just standard. Those were added based on the original policy that said no pets allowed on the golf course.

Mr. d'Adesky: Just quickly, as Supervisor Zelazny correctly stated at the last meeting I advised that this Board is not required because these are policies pertaining to usage, don't alter the maintenance or ownership obligations or rights of our District but certainly appreciate the opportunity to comment on them because it is going to give us as much feedback as possible when you are changing policies like that. I have nothing objectionable, these looks like fairly common policies and I think all the changes are reasonable from that standpoint.

Mr. Williams: Just a question on liability. If somebody does not sign this waiver, we are saying that they cannot use their golf cart going to any of the amenities. They cannot use their golf cart coming to the HFC and pickleball court and the tennis court? I don't know who is going to monitor those things, but if for some reason they get hurt and

they didn't sign this, since we really don't have a way of monitoring it, what is our liability at that point? They haven't signed the waiver and we don't monitor it because I don't know how we are going to monitor it.

Ms. Sandy: The District's liability in any given situation is always going to vary based on the facts and what exactly happened in that situation. The waiver is an additional protection for the District. It is not going to completely eliminate any kind of liability but it is an additional protection and also acknowledgment by the person that is using the facilities. They are using it at their own risk, especially in regard to using the golf course during times that golfers are on the course.

Mr. Williams: It is not just that it is you are parking out here in front, or you are parking by the pickleball court on this side.

Ms. Sandy: That is an item for discussion.

Mr. Zelazny: Let me just address for you, Stan. If you remember previous conversations, and Doug when we talked about how we enforce membership on the golf course, one of the discussions was everybody in the community should register their golf cart. That way, if you are on the golf course illegally and not paying, then a person can just take a picture of your tag and turn your name into the Pro Shop. No confrontation. The same applies now with people that are walking their dogs on the golf cart paths with not cleaning up after the dogs, golf carts that are riding over people's yards. The only way you can confront them is to take a picture of their registration tag. That is what the purpose is. It is so that you as residents don't have to confront each other. Just take a picture of the tag, turn it into one of the amenity managers and we can address it. That is what it is. Mike had a good point at the last meeting. A number of vehicles that are broken down, abandoned, people out fishing, there is no way you know who they are or who they belong to unless there is a tag. In our previous discussions, we view registering your golf cart as no different as a Lake Ashton ID card where the guard will stop you at the pool and say where is your ID card? It doesn't matter if you say I live at 5192 Pebble Beach. The requirement is you have your ID card with you. The thought here is register your golf cart just like an ID card. If you don't, if you are using any amenity if you do not have a tag, then we will call the amenity manager and ask you to leave. That is the only way you are going to do it through self-enforcement. We are not going to put a police force out there to do it.

Ms. Sandy: I do want to note that here we don't have specific enforcement. We would go through a rule-making process in order to adopt some enforcement policies or to implement the ones that are under the joint amenity policy applicable here. With the recent acquisition of the golf course we are trying to get policies in place. It is going to be a bit of process to get those things up and running, but we wanted to move forward with this so we have some guidelines on usage and how we are going to handle these specific items moving forward.

Mr. Robertson: The priority would be to deal with the traffic that is on the golf course first. Let's start with the golf course and make sure the people are aware of the risks walking along the golf course. The bigger process is education. The idea that anybody can sue anybody no matter what you sign, but if you sign a waiver you acknowledge the risk of being on the golf course. Someone was killed on a golf course from a stray golf ball which is not a pleasant experience to go through so it is part of our education process.

Mr. Mecsics: I am not a golfer, but it is a scary and a dangerous place, so we need to make sure we cover ourselves and not have people out there and do silly things.

Mr. Williams: The only other comment that people have said to me was if you have been here for any length of time you already have a sticker with a number on it that identifies you even if you weren't a member of the golf course. They put a sticker on. I did. I was not a member of the golf course and I got a sticker on my windshield.

Mr. Zelazny: There will be only one sticker. If you are member of the golf club and you registered your golf cart with the golf club you have a sticker and a number. If you do not, or you are not a member and you need a number, then you would go to one of the amenity managers to register.

Mr. Williams: Ok but I am just saying the sticker might be the same. I don't want another color.

Mr. Zelazny: No. Seasonal tags from the Pro Shop are different from registration which is the oval sticker.

Mr. Williams: That is correct.

Mr. Zelazny: That is what we want everyone to have.

Mr. Robertson: Ok, anything else for the two Boards? If you all are happy with what we are talking about, we will pass our motion later.

**SEVENTH ORDER OF BUSINESS      Discussion    Regarding    Joint  
Resident Feedback Survey**

Ms. Burns: Next is Discussion Regarding Joint Resident Feedback Survey. There is a request by a Supervisor on the Lake Ashton Board to add some additional questions regarding staff and their Board wanted since it is a joint resident survey and discuss those with both Boards.

Mr. Krumrie: I was interested in getting some feedback regarding the staff. Christine has added some other specific questions that residents can provide feedback on the survey regarding specific staff. Last year the questions were general. It did not identify the staff. We are using staff names, just positions. Christine is passing that around now.

Ms. Burns: Christine, it was just the last page there were changes you said?

Ms. Wells: We did take some of the questions that were specific to the restaurant and made them more generalized.

Ms. Burns: If there is no objection, it will just be staff direction to add the additional questions to the joint resident survey. Christine and Mary, just one thing Bob had under the LA II CDD staff, we just need a new header, just a formatting thing. There is a header that says Clubhouse staff, we need a header that says Lake Ashton II.

Ms. Bosman: I didn't change any of their questions because they didn't request any changes.

Ms. Burns: I think it may have just dropped off on the formatting. It is on the bottom of this page.

Mr. Williams: Quickly reading through this, under the security services having an officer patrol in the common areas amenities helps safeguard the community from unauthorized use, well that question, I think we would all agree it safeguards everybody from unauthorized use. I would think the question should be more detailed as a common patrol. Should the common patrol be 24 hours versus 16 or 18 or something like that? I think that has been a question that has been brought up to me a number times. I think we all strongly agree that we need some amount of patrol. I think the question from the community that I have heard more is what hours. So, I would see changing that somehow or I would recommend changing that somehow to answer that question.

Mr. Mecsics: Do we put 12, 16, 18 or 24?

Mr. Williams: You know it is going to 8, 12, 16 or 24?

Mr. Mecsecs: You are going to get a survey back with a whole conglomerate of different hours that people look for.

Mr. Williams: I disagree. I think you will get a consensus of if a majority is under 16 or 12 or 8. I would think you would get a consensus of what people want. All I am saying is this one doesn't do much for me. I think we all agree that patrolling is needed. What I hear from the community is for the cost that we are paying for the 24 hour patrol, is that worth it or is there a consensus that we need it more in the evening hours and things like that. I think that somehow we should make that and I think you could probably word that properly. I think that would be a better question to ask then do you think we need a roving patrol.

Mr. Zelazny: Jim, just as a suggestion, maybe after you have identified if do we need a roving patrol, the question is do you need a 24 hour roving patrol because you and Bob know that there is high crime hours and stuff like that. We need to address it that way and from a budget perspective. As long it is not either 24 hours or less than 24 hours.

Mr. Williams: We already know that there is a difference between the East and the West side as far as the roving patrol hours are concerned. If nothing else maybe we can come to a consensus of what it should be and help you guys put that policy together.

Mr. Mecsecs: That is exactly what we have been working on.

Ms. Burns: They can come up with questions and get them to Mary and Christine to define that a little better. Any other questions or changes to the survey? I think that is just staff direction to update those couple of items, so I don't think we need a motion on that unless anybody has any other issues to discuss.

## **EIGHTH ORDER OF BUSINESS**                      **Supervisor Requests and General Public Comments**

Ms. Burns: That brings us to Supervisors Requests. Anybody have anything else before we turn it over to audience comments?

Mr. Zelazny: Can I just ask representative of the Board to bring us up to speed on what the situation in the restaurant is because as Board members we are getting a lot of questions and if we have the facts, I think that it would do a lot for the members of the community.

Mr. d'Adesky: I would be happy to give you an update on that. Of course I am not going to go into details that could be the potential litigation, obviously we have had threats of litigation in the past.

Mr. Zelazny: My concern is if you go on talk of Lake Ashton, it goes from here to here so it all comes back to a Board member, so if we know what it is, we can answer the questions and the rumors will stop.

Mr. d'Adesky: Absolutely. This status is that we have a 90 day out that we delivered to them in February. Following that, we got into a back and forth about insurance. It seemed like they were not compliant with their insurance requirements. Indeed, it proved inconclusively that they were not in compliance with their insurance requirements, both for workers compensation, which is required by the State of Florida, and for liquor liability insurance. The District has taken steps to protect itself from liability but they are still not compliant. On March 2<sup>nd</sup>, we delivered a non-monetary default letter. Under a non-monetary default for a lease they have 15 days to remedy the default. The default is the lack of insurance. At the end of that period, the last day is the 17<sup>th</sup> so on the 18<sup>th</sup> we are allowed to exercise any of our remedies available under the law including evicting them from the premises. So, we delivered the non-monetary default letter and if they do not cure the insurance requirements by the 17<sup>th</sup> we will be able to remove them on the 18<sup>th</sup>. Otherwise, the 90 days is still running from our earlier termination. That will terminate in May. Even if they were to cure that, the termination will still run out in May. That is what the status is right now. I can't predict whether or not they will deliver it, but up to this point I can confirm that they have not delivered satisfactory insurance to the District.

Mr. Zelazny: Thank you very much.

Mr. d'Adesky: My pleasure.

Ms. Burns: Any other Supervisor requests or comments?

Mr. Costello: The only other thing I would like to go through I know Mr. Mecsics when through it at their meeting, is the situation that we have with the coronavirus. Yesterday I was talking to Christine, and we made a phone call to Mary. Myself, Christine, Mary and Jim sat down and went through it all. As far as Governor DeSantis, he had a press conference where he had requested that any gathering of over 150 people

would be curtailed. We sat down, and quite honestly, I don't want to scare anybody, we want to try and inform people that we are limited to things to a point where hopefully we are not going to have any kind of a problem within the community. Christine has made up a list of some of the events that we are looking at. Do you have copies of that? There is a list of events and we do have the power I would think to tell people that you can't bring your event due to the fact that there is risk. A lot of the things that we do have scheduled we feel that we are more or less going to shut them down. One of things we will have to address is from our side, I guess from both sides is Monday Morning Coffee. The only thing being is we probably draw crowds in excess of 150 people easily. We probably go to 170 people. At this time, I personally feel that we are better off just suspending it for the time being. Another thing is the movie theater. The movie theater is more or less a confined space with 55 seats and quite honestly the last movie I went to a week ago or so every seat in the place was filled. I don't think that you have the proper amount of spacing where we can control it. I think one of the things that we are going to have to do at this time is ask for a vote I guess from both sides as far as shutting down Monday Morning Coffee and the theater.

Mr. Robertson: Our Board has already suspended all classes until the end of April.

Mr. d'Adesky: I want to say one thing, I think that CDD run events being limited, I think there are different legal obligations to private events that are booked, like for example weddings that are booked contractually with the District. Unless the ban is something that is required. If it is a requirement versus a recommendation there is a big difference. If it is mandated that all events over let's say 100 are to be stopped, then we have a contractual out of those contracts that we entered into with private individuals versus recommendations. I know that some states it is a mandated over 100. I may be behind that news right now, but I don't think it is a mandate, I think it is a recommendation in Florida at this point. Anytime at which a mandate comes by, obviously we are going to comply with the law. If we have a contractual agreement to hold, let's say a wedding, we would be in breach if we were to cancel that.

Mr. Robertson: We are letting people do their individual activities that is their choice. We are not sponsoring events with large people at this point, and if we get any

further direction from the CDD or the state and local government we will implement a more stringent policy as necessary.

Ms. Sandy: We authorized staff to work with the Chair for any further updates or closures that would have to happen.

Ms. Burns: If we could get the same authorization for the Lake Ashton Board to designate the Chair to work with staff to make any determinations should we need to close facilities or make the decision to cancel events, if you want to designate somebody to do that I think that would be helpful in case things change on the weekend before we meet on Monday and things like that.

Mr. d'Adesky: I would recommend the Chair or Vice Chair just in case there is an emergency situation.

Mr. Costello: I think we need to vote on that.

Mr. d'Adesky: To take any emergency measures necessary.

Ms. Burns: Do we have a motion to that effect for the Lake Ashton Board?

On MOTION by Mr. Plummer seconded by Mr. Deane with all in favor the Lake Ashton CDD Board designated the Chair to make the decision to cancel any events or make closures due to the COVID-19 pandemic.

Ms. Wells: What about the Entertainment Series events?

Mr. Costello: That is going to be something we can discuss that as far as that goes. Things can change. I don't think the Governor really was clear. I don't want to put anybody at risk. I want everybody to live their lives according to the way they feel comfortable. We will see what happens on Monday.

Ms. Burns: Bob, you had something else?

Mr. Plummer: I have a comment that hopefully staff will be emailing what has specifically been cancelled and which has not been cancelled so that there is no confusion for the residents. I think that's maybe something that has to be updated almost daily.

Mr. Williams: Is there anything right now that you are cancelling on Lake Ashton? You mentioned cinema.

Mr. Costello: Personally, I think that we could suspend Monday Morning Coffee.

Mr. Williams: Have you made any decisions on what is going to be suspended?

Mr. Costello: This is the first opportunity that we have had where we are all together. Yesterday fortunately being two different CDDs, I was able to sit down with Mr. Mecsics and Mary and Christine. We went through everything as far as that goes. A lot of it I think is going to be up to the individual, but by the same token where we feel that any event that is over a certain amount of people it could be somewhat risky.

Mr. Williams: I just wanted to make sure.

Mr. Costello: Monday Morning Coffee I think should be suspended.

Mr. Williams: Nothing has been done yet.

Mr. Costello: No, nothing has been done yet. I think that we should suspend Monday Morning Coffee and movies until we feel comfortable with reopening them.

Ms. Burns: Is there a discussion or second?

Mr. Deane: There is no second.

Ms. Burns: If there is no second then the motion fails.

***At this point there were a lot of people talking at the same time and Board members were hard to hear.***

Ms. Burns: Is there anything else from the Board? If there is nothing else from anybody we can turn it over to general public comments.

A resident: I don't recall the resolution for golf carts for non-playing golf carts on the course. Is there a preferred direction or is it discretion of the golf cart holder?

Mr. Zelazny: The policy asks non golfers to go in the direction of the golfers that way they can stop, see the balls coming and then proceed. Golfers on the other hand, if they see fast moving people on bikes or joggers should stop, wait for the joggers and bicycles to go by before they hit. That is the recommended direction. There is also a section in this that says if you go before 7:00 in the morning or after 4:30 at night you can walk in either direction because there is no golfers out there. It tells you to please monitor the blast because if one course is closed on Monday you can walk anywhere you want, but on those days we have league play, league play doesn't start till 9:00 so from 7:00 to 9:00 you can really walk in either direction. That is spelled out in the policy.

A resident: Second is a request for the East or CDD I people who don't normally come to the CDD II meetings, I would request that at any joint meeting we have some

type of presentation on the finances of the golf course and where they think that it is going to be going.

Mr. Zelazny: The golf course financing is on the agenda today but we are not prepared to talk about it. We talk about financing at every Board meeting.

A resident: I am requesting that a summary of whatever you come with be presented at a joint meeting so that the entire community knows where we are.

Mr. Zelazny: I have noted it.

A resident: Montana Lane. In the last vote that was done on this CDD I, it was suggested that you have a backup person to make decisions in case of emergency and it was suggested the Chair and the Vice Chair, but then Mike said oh, I will do it. I will be the person. It was never clear on your vote if you were voting for the Chair to do it and the Vice Chair or just the Chair.

Mr. d'Adesky: Mike is the Chairman, so I think the intent when he said that was that he was indicating he is Chairman so he would be the primary contact. Borden would be the backup. That was included with the intent, should Mike be unavailable you don't anticipate being unavailable do you?

Mr. Costello: No.

Mr. d'Adesky: So unless he comes down with something, then Borden.

Mr. Robertson: On the West side as the Chairman it would come to me.

A resident: This was only on their vote. I was concerned you know you may need an emergency type thing and if somebody can't be reached or they are sick. Thank you.

Mr. Robertson: The same with us. If they try and get a hold of me and I am not available by phone for whatever reason they are directed to call the Vice Chairman. We don't leave any gaps.

Mr. Alan Goldstein: City Commissioner of Lake Wales. I am a little confused. I see CDD II took the initiative and cancelled many events. I would like to see CDD I, I know you are concerned, but I don't understand not getting a second to take a vote on the presentation by Mr. Costello. This is an emergency. Today the Governor's office is meeting, right now, considering 55 and over older communities, rest homes, retirement homes, etc. etc. they might be by 5:00 p.m. this afternoon you have to close. Everything in this county from the county government to city government have done what CDD II has

done. Cancel. It is a safety measure. We have people that come into our coffees, to the theater, to the entertainment series every week that come off of boats. I think we have to think of them as well as us. It is us that I am thinking of. They may have enjoyed themselves on the trip, but yet they are coming home possibility bringing a disease in here. We have to be prepared for it. Today is Friday. If we wait to Monday we might be late. I know four people coming off the boat tomorrow into here. I don't know what they faced on the ship with 3,100 other people from around the country. I think you need to take a step in the right direction and look at the proposal again to start closing things on the other side. Thank you.

Mr. Steve Realmuto: Blackmoor Lane. My comment is more about the failed attempt to take action on something that not only wasn't on the agenda, but wasn't even hinted at on the agenda. Normally, when that type of thing has been done the Boards have been very careful to invite public comments, specifically because you had no way of knowing it was going to be discussed, and it specifically wasn't on the agenda. You should have invited public comment before making that motion and attempting to take action. It was only the lack of the second that prevented you. I am not saying that it is not appropriate to take action, I am just saying that you should take public comment on significant issues like that.

Ms. Burns: Just to clarify, had there been a second, that motion before they took action, public comment would have been offered. It was the lack of second.

A resident: At the last joint meeting Chairman Robertson suggested we are one community. We are one community be we are house divided. You would not run your household the way this community is run with lawyers writing letters back and forth to each other agreeing on interlocal agreements and joint meetings and so forth. I have a petition here to present to you today that requests we go to one CDD for our entire community. This is an election year. I think it can be done this year. I implore you to look over this consideration and implement a one CDD community for the betterment of the community and for harmony within the community that we don't have any discord between the East and the West. Thank you very much.

Ms. Iris Realmuto: Steve mentioned that it was about LA I CDD not taking public comment. It was actually LA II at the previous meeting that didn't take any comments before they voted on shutting all the meetings and everything else.

Ms. Debbe Landgrebe: I don't know if this is for LA II, or LA I, or joint, but just as a point of clarification, regarding the ponds and fishing, I am under the impression that we are a catch and release community for fishing, and yet I am hearing that is not what is happening. So, with the fishing, are we doing catch and release, or are people allowed to keep fish?

Mr. Zelazny: The current policy in the joint amenities policy says that it is catch and release. The policy associated with the purchase of the golf course says that due to the fertilization herbicides on the golf course and the proximity of the ponds to the golf course we recommend catch and release, but you can fish and keep in the lakes.

Ms. Landgrebe: So, why wouldn't we be consistent and just keep everything as catch and release?

Mr. Zelazny: I am sorry this isn't a time for conversation.

Ms. Landgrebe: Ok, something to maybe consider and send a blast email about. Thank you.

Mr. Tom McCartney: Riviera Court. I am sitting in the back here and I'm confused what is closed and what isn't.

Ms. Burns: We are going to send a blast to everybody.

Mr. McCartney: Please send a blast and keep us updated on that. One other thing, about these golf courses, when you talk about golf balls landing and don't be in an area where the golf ball lands. There is a lot of non-golfers out here. They don't know where a golf ball is going to land. You are creating rules that don't need to be created if you would educate everybody in the community what is going on here. You are starting to act like the federal government. I am done.

Ms. Burns: Anybody else?

Mr. Costello: One of the things I would like to do since I have been given the authority, we are going to cancel Monday Morning Coffee.

Ms. Burns: Anybody from the Board have anything else? No?

**NINTH ORDER OF BUSINESS**

**Adjournment**

Ms. Burns: Do we have a motion to adjourn from Lake Ashton CDD?

On MOTION by Mr. Costello seconded by Mr. Ference with all in favor the meeting was adjourned.

Ms. Burns: Do we have a motion to adjourn from Lake Ashton II CDD?

On MOTION by Mr. Robertson seconded by Mr. Zelazny with all in favor was adjourned.

**Lake Ashton CDD**

\_\_\_\_\_  
Assistant Secretary/Secretary

\_\_\_\_\_  
Chairman/Vice Chairman

**Lake Ashton II CDD**

\_\_\_\_\_  
Assistant Secretary/Secretary

\_\_\_\_\_  
Chairman/Vice Chairman

# SECTION VI

**Lake Ashton Golf Course Policies**  
**Lake Ashton II Community Development District**  
**Adopted February 7, 2020**  
**Revised March 13, 2020; July 2, 2020**

The Lake Ashton Golf Course Policies apply to any person using the Lake Ashton Golf Club properties and facilities (“Golf Course”) within the Lake Ashton Community Development District (“LACDD”) and the Lake Ashton II Community Development District (“LAIICDD,” together with LACDD, the “Lake Ashton Community” or “Community”).

**I. Cart Paths and Bridges**

All golf cart pathways, walking paths and ancillary bridges (“Pathways/Bridges”) within the Golf Course are shared equally between golfers, golf carts, pedestrians and bicyclists. Use of the Pathways/Bridges by any person not playing golf (“Non-Golfers”) during hours when golf is being played creates potential safety hazards; therefore, all users of the Golf Course must exercise extreme caution when golf is being played.

To reduce danger and likelihood of being struck by a golf ball, Non-Golfers should walk or ride in the opposite direction of play (starting on Hole 18 and ending on Hole 1), pause as golfers (“Golfers,” and together with Non-Golfers, “Individuals”) are about to hit, and only continue once the golfers have struck their balls. Golfers should wave Non-Golfers through if the approaching Non-Golfers are fast moving or can pass by quickly.

**Non-Golfers must stay on the Pathways/Bridges or Pond banks.** Non-Golfers are encouraged to monitor the daily email circulated by Pro Shop staff members announcing course conditions, closures, and starting times for the groups on each course. In doing so, Non-Golfers can identify periods when no golfers are on the course. One course is normally closed on Monday and League play (Tuesday, Wednesday, and Thursday) does not start until 9:00 a.m.; however, Non-Golfers should check the conditions of each course before use. Additionally, it is generally safer to walk before 8:00 a.m. or after 4:00 p.m., when golfers are less likely to be present.

Pathways adjacent to ponds and bridges can be dangerous. Carts should operate at a safe speed and always use headlights after dusk. Extreme caution should be taken when traveling through standing water on paths.

Pets are permitted to be walked and exercised on the Pathways/Bridges. At no time should they be in the fairways or within thirty feet of a green. Pets must be on leash or in a Golf Cart at all times. Pet owners are responsible to pick up after their pet.

**Use Golf Course At Own Risk:** All Non-Golfers who enter the Golf Course and/or utilize Pathways/Bridges and/or Ponds, either as a pedestrian or within a Golf Cart (hereinafter defined) shall do so at his or her own risk, assume all risks associated with entering property used for playing golf, including but not limited to errant golf balls and golf clubs, and shall indemnify, defend, release, hold harmless, and forever discharge the LACDD, LAIICDD, their present, former, and future supervisors, staff, officers, employees, representatives, agents, contractors, and any other owners of property on which Golf Course facilities may be located from any and all liability, claims, lawsuits, actions, suits or demands, whether known or unknown, in law or equity, for any and all loss, injury, damage, death, theft, real or personal property damage, expenses (including attorney’s fees, costs and other expenses for investigation and defense and in connection with, among other proceedings, alternative dispute resolution, trial court, and appellate proceedings), and harm of any kind or nature arising out of, or in connection with, the use of the

**Lake Ashton Golf Course Policies**  
**Lake Ashton II Community Development District**  
**Adopted February 7, 2020**  
**Revised March 13, 2020; July 2, 2020**

Lake Ashton Golf Course, including any and all Pathways/Bridges, Ponds, and parking lots, by the Individual, his or her guest(s), and/or his or her family member(s), including but not limited to any errant golf balls or golf clubs.

**II. Ponds**

There are over sixty (60) lakes and ponds (“Ponds”) located within the Lake Ashton Community. Ponds are governed by the Joint Amenity Facilities Policies dated September 27, 2019 (“Joint Amenity Policies”). Pursuant to the Joint Amenity Policies, the following activities are prohibited and/or permitted:

1. Patrons may fish from any Pond within the Golf Course. Please check with the Amenity Manager for rules and regulations pertaining to fishing and for proper access points to these bodies of water. The Community encourages a “catch and release” policy for any fish caught in the ponds because of the frequency with which the Golf Course is treated with herbicides and fertilizers which may produce run-off into the Ponds within the Golf Course.
2. No water crafts of any kind are allowed in the Ponds, except for small remote-controlled boats intended for recreational purposes.
3. Swimming, wading, and/or pets are not allowed in any Pond within the Golf Course.

Non-Golfers using the Ponds along the Golf Course must exercise extreme caution when Golfers are present and playing golf because of the risk of being hit by an errant golf ball or golf club. Non-Golfers using the Ponds should position themselves away from the flight of any Golfer’s shot and be aware of Golfers hitting. Golf Carts being used by Non-Golfers using the Ponds should be parked way from play and off the Pathways/Bridges.

The Ponds may be occupied with Alligators and other wildlife that can present a danger to Individuals along the Pond banks. All Individuals should exercise extreme caution, but Individuals must be especially mindful of the risk if small children or pets are present. They should not be left unattended.

**III. Golf**

Golf may be played at the Golf Course for a fee. Any unauthorized individual found using the Golf Course facilities or playing the course will be asked to make restitution. If payment is not received, the individual will be removed and receive a warning.

Tee times are available upon request through the Pro Shop. Prior to play, Golfers must report to the Pro Shop. Golfers are asked to abide by local rules regarding dress, behavior, and play. Golfers should comply with announcements on course playing conditions.

Golfers are reminded that they share the Pathways/Bridges and Ponds with Non-Golfers. Golfers do not have any higher priority for use than any Non-Golfer and need to be considerate in allowing use by all Community members.

**Lake Ashton Golf Course Policies**  
**Lake Ashton II Community Development District**  
**Adopted February 7, 2020**  
**Revised March 13, 2020; July 2, 2020**

Pets are permitted to be walked and exercised on the Pathways/Bridges. At no time should they be in the fairways or within thirty feet of a green. Pets must be on leash or in a Golf Cart at all times. Pet owners are responsible to pick up after their pet.

**IV. Golf Carts**

Golf Carts, as such terms are used within these policies, shall be defined as such term and the term low-speed vehicle is defined in Florida Statutes, as amended.

Golf Cart within the District shall comply with and Golf Cart operations within the District shall abide by all applicable provisions of the Joint Amenity Policy, Florida Statutes, as amended, and local ordinances and regulations, including, but not limited to, compliance with Chapters 316 and 320, Florida Statutes, all traffic control devices, local traffic laws, and the City of Winter Haven's Ordinance Sec. 18-155.

All Golf Carts used on the District's Golf Course and the Pathways/Bridges must be registered at LAIICDD's Health and Fitness Center. Registration includes acknowledgement of these policies, including specifically but not limited to Sections I (Cart Paths and Bridges) and Section IV (Golf Carts) and displaying the appropriate Golf Cart decal when using the Golf Course, including the Pathways/Bridges. If the decal is not properly displayed, the Golf Cart operator will be asked to leave the Golf Course.

**Safety Recommendations:** the District recommends all owners and/or operators of Golf Carts used on the Golf Course abide by the following safety recommendations:

- Use extreme caution when traveling on Pathways/Bridges, especially when golf is being played;
- The District recommends Golf Cart owners obtain liability insurance insuring against personal injury and damage to property with limits of at least \$300,000;
- Equip Golf Cart with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear.
- Regularly check Golf Cart for safe operation of brakes, lights, steering, turn signals, and tires. Make sure batteries are charged to good operating levels.
- When passing or approaching another Golf Cart on a path, one Golf Cart should move to the side toward the golf course to allow the other cart to pass. Under no circumstances, should passing Golf Carts drive onto private property.
- Passengers and drivers should keep all body parts inside the Golf Cart while it is in motion;
- Passengers should have both feet planted firmly on the floor while the Golf Cart is moving;
- Passengers should sit with their right hip against the right arm of the seat;
- Passengers should be aware of traffic conditions. A sharp, unexpected turn can throw a rider from the Golf Cart. On turns and fast straightaways, passenger should use right hand to grasp the right arm of the seat.

# JOINT AMENITY FACILITIES POLICIES

OF THE

LAKE ASHTON  
COMMUNITY DEVELOPMENT DISTRICT

AND

LAKE ASHTON II  
COMMUNITY DEVELOPMENT DISTRICT

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**JOINT AMENITY FACILITY POLICIES:  
Lake Ashton Community Development District  
Lake Ashton II Community Development District**

Law Implemented: ss. 190.011, 190.035, Fla. Stat. (2019)  
Effective Date: September 27, 2019

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**In accordance with Chapter 190 of the Florida Statutes, and on September 27, 2019 at a duly noticed joint public meeting and after a duly noticed joint public hearing, the Boards of Supervisors of the Lake Ashton Community Development District and Lake Ashton II Community Development District adopted the following rules / policies to govern the operation of the Districts' Amenity Facilities. All prior rules / policies of the Districts governing this subject matter are hereby rescinded.**

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**I. DEFINITIONS**

“Amenity Facilities” or “Amenities”- shall mean the properties and areas owned by the Districts and intended for recreational use and shall include, but not specifically be limited to, the Lake Ashton Clubhouse and the Lake Ashton Health and Fitness Center (HFC), together with appurtenant facilities and areas.

“Amenities Facilities Policies” or “Policies” – shall mean the Joint Amenity Facilities Policies of the Lake Ashton Community Development District and Lake Ashton II Community Development District.

“Amenity Manager” – shall be each respective Districts’ “Community Director,” or in his/her absence, the designated representative.

“Board of Supervisors” or “Boards” – shall mean the Board of Supervisors of the Lake Ashton Community Development District and/or Lake Ashton II Community Development District.

“Commercial Purposes” – shall mean those activities which involve, in any way, the provision of goods or services for compensation but shall not include any activities of the Districts.

“Districts” – shall mean the Lake Ashton Community Development District (“LA CDD”) and Lake Ashton II Community Development District (“LAII CDD”), each a political subdivision of the State of Florida, created pursuant to Chapter 190 of the Florida Statutes. Each individually may be referred to herein as a “District.”

“District Manager” – shall mean the professional management company with which each District has contracted to provide management services to the respective District.

“Guest” – shall be any Non-Resident invited by a Patron to access and use the Amenity Facilities. Guests must be properly registered and comply with all Policies. (A Patron’s ability to register may be reviewed by an Amenity Manager if exceeding 12 Guest registrations annually.)

“Individual” – shall mean any Patron, Guest, or Non-Resident utilizing an Amenity.

“Inappropriate Content” – shall mean content that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or contains sexual comments, obscenities, nudity, pornography, abusive or degrading language, antisocial behavior, or inappropriate comments concerning race, color, religion, sex, national origin, marital status, or disability, violates any District Policies or rules, has the potential to cause the District(s) public harm or disrepute, or is otherwise unlawful..

“Lake Ashton Community” – shall mean the Lake Ashton residential golf development within which both the LA CDD and LAII CDD are located.

“May” and “Shall” - as used herein, the word “may” is permissive; the word “shall” is mandatory.

“Media” – shall mean certain publications and media produced by the Districts and solely intended to provide community information, including but not limited to the Lake Ashton Times.

“Non-Resident” – shall mean any person(s) who does not own or rent property within either District and has not paid the Annual User Fee.

“Annual User Fee” – shall mean the fee established by each District for any person that is not a Resident and wishes to become a Non-Resident Member. The amount of the Annual User Fees is set forth herein, and is subject to change based on Board action.

“Non-Resident Member” – shall mean any individual not owning or renting property in either District who is paying the Annual User Fee to the District(s) for the non-exclusive right to use of all Amenity Facilities.

“Patron” or “Patrons” – shall mean Residents, Non-Resident Members, and Renters/Leaseholders.

“Political Issue” – shall mean any candidate, whether partisan or nonpartisan, political party, issue, referendum, or amendment that is subject to a vote of electors, whether local, state or federal.

“Renter/Leaseholder” (residential) – shall mean any tenant residing in a Resident’s living unit pursuant to a valid rental or lease agreement.

“Rental Facilities” – shall mean the Amenity Facilities available to Patrons, Non-Residents, and Lake Ashton Community organizations for rent or reservation including, but not limited to,

the Ballroom, Reflection Garden, Card Rooms, Cinema, Conference Rooms, HFC, Courtyard, Catering Kitchen, Sports Court, Poker Room, and Craft Rooms.

“Resident” – shall mean any person or persons owning a home or lot within either District.

“Staff” – shall mean any employee, contractor, or volunteer that works under the Amenity Manager or District Manager.

## **II. PURPOSE**

This document, jointly prepared and agreed to by both the LA CDD and LAII CDD Boards of Supervisors, applies to all Individuals, pursuant to usage of all Amenities within both Districts. Compliance with the Policies and provisions is mandatory and will be enforced.

The Board(s), the District Manager, the Amenity Manager and Staff shall have full authority to enforce these Policies. However, the Boards by a vote at a public meeting, District Manager, and/or Amenity Manager shall have the authority in its/there sole discretion to waive strict application of any of these Policies when prudent, necessary or in the best interest of the Districts and Patrons, provided however, any permanent waiver must be approved by both Boards and such a temporary waiver of any Policy by the Amenity Manager shall not constitute a continuous, ongoing waiver of said Policy.

The Boards jointly reserve the right to amend, modify, or delete, in part or in their entirety, these Policies when necessary, at a duly-noticed Board meeting, and will notify the Patrons of any changes. Use of the Amenity Facilities may be subject to payment of applicable fees or rates set by the respective Districts. To change or modify rates or fees beyond the increases specifically allowed by District(s) rules and regulations, the Boards must hold a duly-noticed public hearing on said rates and fees. Each district may unilaterally updated rules specific to amenities solely within their respective boundaries.

## **III. AUTHORIZED USERS**

Only Patrons and Guests are authorized to use the Amenity Facilities (each such a “Users”), all as further provided within these Policies and below; provided however certain events may be available to the general public where permitted by the Districts and subject to payment of any applicable fees and satisfaction of any other applicable requirements. Specifically, Users are subject to the following:

**RESIDENTS:** Residents, upon producing proper identification, can access and use all Amenity Facilities within the Districts. They are entitled to bring up to four (4) guests at a time, unless other arrangements have been made with an Amenity Manager.

**RENTERS/LEASEHOLDERS:** Residents who rent or lease out their residential unit(s) in the Districts shall have the right to designate the Renter/Leaseholder of their residential unit(s) as

the beneficial users of the Resident's membership privileges for purposes of Amenity Facilities use.

The Renter/Leaseholder may be required to acquire a membership with respect to the residence which is being rented or leased, as well as purchase an ID card in order to be entitled to use the Amenity Facilities. A Renter/Leaseholder who is designated as the beneficial user of the Resident's membership shall be entitled to the same rights and privileges to use the Amenity Facilities as the Resident.

During the period when a Renter/Leaseholder is designated as the beneficial user of the membership, the Resident shall not be entitled to use the Amenity Facilities with respect to that membership.

Residents shall be responsible for all charges incurred by their Renters/Leaseholders which remain unpaid after the customary billing and collection procedure established by the Districts. Resident owners are responsible for the department of their respective Renter/Leaseholder.

**NON-RESIDENT MEMBERS:** Non-Residents may pay an Annual User Fee and have access to all Amenity Facilities. As previously set by each District, both District's Annual User Fee for any person not owning real property within the District is \$2,400.00 per year (split evenly amongst LA CDD and LAII CDD, as permitted by law), and this fee shall include privileges for two (2) people. Such Annual User Fee is adopted by: (i) LA CDD, pursuant to its Chapter II: Non-Residents User Fees, last set on February 26, 2007; and (ii) by LAII CDD, pursuant to its Chapter II: Non-Residents User Fees, last set on January 8, 2008. This payment must be paid-in-full at the time of completion of the Non-Resident Member application and the corresponding agreement. This fee will cover membership to all Amenity Facilities for one (1) full year from the date of receipt of payment by either District. Each subsequent annual membership fee shall be paid-in-full on the anniversary date of application for membership. Each District retains the authority to establish its own Annual User Fee, per these policies it is the intent of both Districts to set both Annual User Fees at the same level. As previously provided in the Districts rules setting such Annual User Fees, such fee may be increased, not more than once per year, by actions of the respective Boards, to reflect increased costs of operation of the Amenity Facilities. This membership is not available for commercial purposes.

**GUESTS:** All Guests, regardless of age, must register with the office of the Amenity Manager prior to using the Amenity Facilities. The Patron inviting the Guest must be present upon registration, unless other arrangements have been made with the Amenity Manager's office.

All Guests under eighteen (18) years of age must be accompanied at all times while using the Amenity Facilities by a parent or adult Patron over eighteen (18) years of age.

Guests over the age of eighteen (18) must register and may use the Amenity Facilities unaccompanied by Patron, and must also sign a waiver of liability.

Patrons who have registered a Guest are responsible for any and all actions taken by said Guest. Violation by a Guest of any of these Policies as set forth by the Districts could result in loss

of that Patron's privileges and membership as set forth in Section 5 – Suspension and Termination of Privileges.

#### **IV. IDENTIFICATION CARDS**

ID cards (or similar access devices) may be issued to all members of each Resident's household and/or Non-Resident Members. Guest Passes shall be issued to all Guests upon registering with Amenity Manager. Each Patron and/or Guest will be required to present proper credentials upon request by Staff. If not presented, the individual will be asked to leave the venue. Renters/Leaseholders will be required to purchase their own ID cards (or similar access devices). All lost or stolen ID cards should be reported immediately to the Amenity Manager's office. A fee will be assessed for any replacement cards or additional cards.

#### **V. LOSS OR DESTRUCTION OF PROPERTY AND/OR INSTANCES OF PERSONAL INJURY**

Patrons and their Guests assume sole responsibility for his or her personal property. The District and its contractors shall not be responsible for the loss or damage to any private property used or stored on or in any of the Amenity Facilities.

Any Patron or Guest utilizing District equipment is responsible for said equipment. Should the equipment be returned to the District damaged, missing pieces or in worse condition than when it was when usage began, that Patron or Guest will be responsible to the District for any cost associated with repair or replacement of the equipment.

Individuals who, in any manner, makes use of or accepts the use of any apparatus, appliance, facility, privilege or service whatsoever owned, leased or operated by the Districts or its contractors, or who engages in any contest, game, function, exercise, competition or other activity operated, organized, arranged or sponsored by the Districts, either on or off the Amenity Facilities' premises, shall do so at his or her own risk, and shall hold the Amenity Facilities' owners, the District, the Board of Supervisors, District employees, District representatives, District contractors and District agents, harmless from any and all loss, cost, claim, injury, damage or liability sustained or incurred by him or her, resulting therefrom and/or from any act of omission of the Districts, or their respective operators, supervisors, employees, representatives, contractors or agents. Any Patron shall have, owe, and perform the same obligation to the Districts and their respective operators, supervisors, employees, representatives, contractors, and agents hereunder with respect to any loss, cost, claim, injury, damage or liability sustained or incurred by any Guest or family member of said Patron.

Should any party bound by these Policies bring suit against the District, the Board of Supervisors or Staff, agents or employees of the District, or any Amenity Facility operator or its officers, employees, representatives, contractors or agents in connection with any event operated, organized, arranged or sponsored by the District or any other claim or matter in connection with any event operated, organized, arranged or sponsored by the District, and fail to obtain judgment therein against the District or the Amenity Facilities' operators, officers, employees, representatives, contractors or agents, said party bringing suit shall be liable to the prevailing party

(i.e., the District, etc.) for all costs and expenses incurred by it in the defense of such suit, including court costs and attorney's fees through all appellate proceedings.

Amenity Facilities are unattended facilities. Persons using the Amenity Facilities do so at their own risk. Amenity Manager's staff members are not present to provide personal training, exercise consultation, athletic instruction, or lifeguard duties, unless otherwise noted, to Patrons or Guests. Persons interested in using the Amenity Facilities are encouraged to consult with a physician prior to commencing a fitness program.

## **VI. SUSPENSION AND TERMINATION OF PRIVILEGES**

i. **Offenses:** An Individual's privileges to use the Amenity Facilities may be subject to various lengths of suspension or termination for up to one (1) calendar year by the Board of Supervisors, and the Individual may also be required to pay restitution for any property damage, if he or she:

1. fails to abide by any District rules or policies, including but not limited to these Policies and the Amenity Rate Rules;
2. submits false information on the application for a photo ID card or Guest pass;
3. permits unauthorized use of a photo ID card or Guest pass;
4. exhibits unsatisfactory behavior, deportment, or appearance;
5. engages in unreasonable and abusive behavior that threatens the welfare, safety or reputation of the District, or its supervisors, Staff, contractors, vendors, or other Patrons or Guests;
6. treats the Districts' supervisor, Staff, contractors, vendors, or other Patrons or Guests in an unreasonable or abusive manner;
7. damages or destroys District property.

ii. **Suspension and Termination Process:** In response to any violation of the rules, regulations, policies and procedures specified herein, including, but not limited to, those set forth in the section (i) above, the Districts, through its Boards, District Manager, and/or Amenity Manager, may follow the process outlined below with regard to suspension or termination of a Patron's or Guest's privileges:

1. First Offense – Verbal warning by Staff of such violations; the warning shall be summarized in a brief written report by Staff and kept on file in the Clubhouse and Community Center.
2. Second Offense – Written warning by Staff of continued violations sent by certified mail to the Patron/Guest and kept on file in the Clubhouse and Community Center offices. In addition, the Patron/Guest will be suspended from the Amenity Facilities for the remainder of the day on which the written warning is issued.
3. Third Offense – Automatic suspension by the Amenity Manager of all Amenity Facilities privileges for one (1) week. A written report will be created; a certified

letter will be sent to the Patron/Guest and a copy of such letter kept on file in the Clubhouse and Community Center Offices.

4. Fourth Offense – Automatic suspension by the Amenity Manager from all Amenity Facilities for up to thirty (30) days or until the date of the next meeting of the Board of Supervisors of the District within which the violation occurred, whichever occurs first. An complete record of all previous documented offenses within the previous twelve (12) months will be presented to the Board for recommendation of suspension beyond thirty (30) days or possible termination of the Patron's/Guest's privileges for up to one (1) calendar year from the Board's approval of termination of privileges.

iii. **Health, Safety, Welfare.** Notwithstanding anything contained herein, the Amenity Manager may, at any time, remove, restrict or suspend an individual's privileges when such action is necessary to protect the health, safety and welfare of Districts' supervisor, Staff, contractors, vendors, or other Patrons and their Guests, or to protect the Amenity Facilities from damage.

Such restriction or suspension shall be for a maximum period of thirty (30) days or until the date of the next meeting of the Board of Supervisors of the District within which the violation occurred, whichever occurs first. Such infraction and suspension shall be documented by the Amenity Manager. The Operations Manager, District Manager and Board of Supervisors shall be notified to review this action at the next Board of Supervisors meeting.

iv. **Jurisdiction Reciprocal.** The ability to suspend or terminate privileges as provided herein shall be held by the District, through its Boards, District Manager, and/or Amenity Manager, in whose boundaries the violation at issue occurred. Violations that result in a suspension or termination in one District shall be brought up at the next Board of Supervisors meeting for the other District. Suspension or termination of privileges shall in no way prevent a member of the District Boards, the District Manager, District staff or members of the public from attending a duly advertised public meeting of either District.

v. **Appeals.** Any Individual who has his or her Amenities privileges restricted/suspended for at least thirty (30) days and/or terminated in accordance with this Policies may appeal such restriction, suspension, or termination to the respective Board for reversal or reduction at the next regular meeting of such Board. The Board's decision on appeal shall be final.

## VII. RESERVING FACILITIES

Amenity Facilities are available on a first-come, first-served basis, and subject to applicable fees or rates as set by the appropriate District. Requests to reserve facilities should be submitted through the Staff at the appropriate Amenity Facility.

Reservations are available for up to three (3) hour increments for all facilities listed in the reservation policy, with the exception of the Ballroom and HFC. These can be reserved for periods up to five (5) hours. Longer time increments may be approved by the Amenity Manager. There

are no personal “standing” weekly reservations allowed for the Amenity Facilities listed in the reservation policies. Clubs and organizations may make “standing” reservations. These will be reviewed semi-annually by the Amenity Manager.

The Amenity Manager can reschedule any reservation if requested by a District. The Clubhouse or HFC must be notified if a scheduled reservation cannot be kept so the slot may be re-assigned. Reservations will be held for 15 minutes past your scheduled start time before re-assigning the reservation time slot.

## **VIII. RENTAL FACILITIES TERMS**

Amenity Facilities are available for rent by Patrons, Lake Ashton approved Clubs/Organizations, and Non-Residents in accordance with the Policies of the District and the laws of the State of Florida. A complete list of Amenity Facilities available for rent, along with associated fees and deposits, are located as follows: (i) for LA CDD, in its Chapter III: Rules for Amenities Rates, last revised on September 7, 2018; and (ii) for LAII CDD, in its Chapter III: Rules for Amenities Rates, last revised on August 22, 2019, as may be amended from time to time (collectively, the “Amenity Rate Rules”).

For functions held at an Amenity Facility having more than 25 people in attendance, a final guaranteed number of guests is to be conveyed to the Amenity Facilities events planner no later than five (5) days before the date of the scheduled event. In absence of a final guarantee, the number indicated on the original agreement will be considered correct. A check shall be made payable to the applicable District.

If required by the Amenity Rate Rules of the respective District, deposit(s) or fees shall be submitted to the Clubhouse or HFC in the form of a separate check made payable to the “Lake Ashton Community Development District” or the “Lake Ashton II Community Development District,” as applicable.

## **IX. CLUBS AND OTHER ORGANIZATIONS**

Any club, group or organization (collectively, “Clubs”) desiring to utilize the Amenity Facilities activities display space, Channel 96/732, Coffee Meetings, or the Lake Ashton Times newsletter to promote Club activities must be registered with the Amenity Manager and meet the following criteria:

1. Clubs must be comprised of a minimum of at least five (5) active members; all members must be Residents or Renters/Leaseholders.
2. No Club may be formed, and no activities held within the Amenities Facilities, for commercial or profit-making purposes.
3. The purpose of each Club must be to provide lifestyle-enhancing opportunities to Residents or Renters/Leaseholders and not to effectuate sales of products or services. No one household can profit from the club. Clubs may generate funds through dues and proceeds from Club organized events. If a Club chooses to generate funds, a check-and-balance system must be in place as well as a Club checking account.

4. Club membership and Club activities must be available to all Residents or Renters/Leaseholders. Criteria for Club membership should be governed by the individual club's by-laws.
5. Rules applying to the formation and admissibility of Clubs may be modified at the discretion of the Boards.
6. Violations of these Policies by any Club may result in the loss of that Club's privileges within the Amenity Facilities.

## **X. AMENITY POLICIES – GENERAL USAGE**

**CONDUCT:** Individuals using the Amenity Facilities are expected to conduct themselves in a responsible, respectful, courteous and safe manner, in compliance with all Policies/provisions and rules of the Districts governing the Amenity Facilities. Violation of the District(s) Policies and/or misuse or destruction of Amenity Facilities equipment may result in the suspension or termination of Amenity Facilities privileges with respect to the offending Individual.

**CONFLICTS:** Conflicts between Amenity users should be referred to Staff or security. Under no circumstances should verbal or physical confrontation occur between Amenity users.

**ALCOHOL:** All persons must be twenty-one (21) years of age to consume alcohol at any Amenity Facility, and must do so in a responsible manner.

In regards to LA CDD's Clubhouse: no alcohol may be brought into the physical structure of the Clubhouse, adjoining outdoor patio and pool deck. Alcoholic beverages held and/or consumed within the physical structure of the Clubhouse, adjoining outdoor patio and pool deck must be purchased through the holder of the liquor license registered with the State of Florida to serve alcoholic beverages at 4141 Ashton Club Drive, Lake Wales, Florida. Any registered holder of said liquor license shall be required to provide the Amenity Manager with an applicable certificate of insurance naming the District as an additional named insured.

In regards to LAII's Community Center: The Community Center Amenity Manager may approve consumption of alcohol for events held at the Community Center by a vendor who is in possession of a valid liquor license and proof of insurance. See Section XI(vi) regarding the Community Center herein for more specific information regarding alcohol at the Community Center.

**SMOKING:** Lake Ashton is a smoke-free community. Smoking tobacco products or electronic cigarettes are prohibited at all facilities and venues unless in a designated area

**PETS:** Pets, (with the exception of duly registered service animals) are not permitted at Amenities Facilities with the exception of Pet Parks. If a special event allowing pets has been approved by the Amenity Manager, pets must be leashed or in an appropriate carrier, or placed in a cage. Users are responsible to pick up after their pets and to dispose of any waste in a designated pet waste receptacle or outdoor dumpster.

**PARKING:** Vehicles must be parked in designated areas. Vehicles, bicycles and golf carts should not be parked on grass lawns, in any way which blocks the normal flow of traffic, or in any

way that limits the ability of emergency service workers to respond to situations. The Amenity Manager reserves the right to waive this parking restriction in the event overflow parking is needed for a large event.

OVERNIGHT PARKING: There shall be no overnight parking in Amenity Facility parking lots.

OFF-ROAD VEHICLES: Off-road motorbikes/vehicles, excluding golf carts, are prohibited on all property owned, maintained and operated by the District(s).

FIREWORKS: Fireworks of any kind are not permitted on any Amenity Facility or property held by the Districts, with the following exception: the respective Board may approve the use of fireworks over specific bodies of water within its District's boundaries.

SERVICE AREAS: Service areas within the Amenity Facilities are off-limits except for Staff.

DRONES: Drones and all forms of unmanned aerial vehicles are not permitted to be used inside Amenity Facility buildings any time without the written authorization of the District, except as permitted by law or regulation of an applicable government entity.

CHILD CARE: The District will not offer childcare services to Patrons or Guests at any of the Amenity Facilities.

SKATEBOARDING: Skateboarding is not permitted on the Amenity Facilities property at any time. Roller blading is permitted on cart paths and roadways only.

OUTSIDE ENTERTAINMENT: Performances at any Amenity Facility, including those by outside entertainers, must be approved, in advance, by the Amenity Manager.

ADVERTISING: Advertisements for Commercial Purposes shall not be posted or circulated in the Amenity Facilities. Petitions, posters, or promotional material shall not be originated, solicited, circulated or posted on Amenity Facility property unless approved, in writing, by the Amenity Manager.

COMMERCIAL PURPOSES: Activities with Commercial Purposes must have approval from the Amenity Manager

UNATTENDED GUESTS: Amenity users should not leave Guests who have adverse or debilitating health conditions unattended in any of the Amenity Facilities or District property.

PROGRAM/ACTIVITY APPROVAL: All programs and activities, including the number of participants, equipment and supplies usage, facility reservations, etc., at all Amenity Facilities must be approved by the Amenity Manager.

**MANAGEMENT SPONSORED EVENTS:** The Amenity Manager has the right to authorize management-sponsored events and programs to better serve the Patrons, and to reserve any Amenity Facility for said events (if the schedule permits) and to collect revenue for those services provided. This includes, but is not limited to, various athletic events, cultural programs and social events, etc.

**LOITERING:** Loitering (the offense of standing idly or prowling in a place, at a time or in a manner not usual for law-abiding individuals, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity) is not permitted at any Amenity Facility.

**COMPLIANCE TO STATUTES:** Individuals shall abide by and comply with any and all federal, state and local laws and ordinances while utilizing the Amenity Facilities, and shall ensure that any minor for whom they are responsible also complies with same.

**EQUIPMENT:** The Districts maintains a limited amount of equipment to support individual activities such as Bocce, Billiards, Pickleball, Racquetball, Shuffleboard, Yoga, and exercise classes. Please check their availability with the Amenity Manager. Patrons are encouraged to provide their own equipment for recurring use.

**HOURS:** Hours of operation, including holiday schedules, for Amenities Facilities are established and published by the Amenity Manager(s), and such hours are subject to change at the discretion of the Amenity Manager.

**EMERGENCIES:** After contacting 911 (if required), all emergencies and injuries must be reported to the gate attendant service (Thompson Nursery Road phone number 863-324-7290, CR 653 phone number 863-318-0237) or Amenity Manager (phone number Clubhouse 863-324-5457 or Community Center 863-595-1562) and to the office of the District Manager (phone number 407-841-5524). If immediate attention to the facilities is required and the Amenity Manager is not present, please contact one of the gate attendants employed by the District.

**SIGNAGE:** All Political Issue and Commercial Purpose signs outside Amenity Facility buildings are strictly prohibited. All other signs need the approval of an Amenity Manager.

## **XI. AMENITIES POLICIES – SPECIFIC USAGE**

Patrons are responsible for ensuring their Guests adhere to the Policies set forth herein. In addition to the general Policies listed above, each Amenity Facility has the following specific Policies that must be followed:

### **i. BALLROOM**

1. All food and beverages consumed in the Clubhouse Ballroom must be purchased and provided by the Restaurant contracted by the District.
2. Any Resident or Resident activity that qualifies for, and is granted a fee waiver under the Rules of Lake Ashton Community Development District, Chapter III, may, with the

approval of the Amenity Manager, have an outside caterer provide food and non-alcoholic beverages for an event compliant with Chapter III. The Amenity Manager shall have sole discretion to grant or deny such a request, and may require the submission of a certificate of insurance, a waiver of liability, or other administrative documentation as deemed appropriate by the District.

3. Each organization, group or individual reserving the use of an Amenity Facility (or any part thereof) agrees to indemnify and hold harmless the District, the owners of the Amenity Facility and the owner's officers, agents and employees from any and all liability, claims, actions, suits or demands by any person, corporation or other entity, for injuries, death, property damage of any nature, arising out of, or in connection with, the use of the District lands, premises and/or Amenity Facilities, including litigation or any appellate proceeding with respect thereto. Nothing herein shall constitute or be construed as a waiver of the District's sovereign immunity granted pursuant to Section 768.38, Florida Statutes.
4. The volume of live or recorded music shall not violate applicable City of Lake Wales Noise Ordinances.

ii. BOCCE

1. Appropriate dress is required on the court. Shirts and shoes must be worn at all times.
2. Bocce balls should not be tossed or thrown outside of the court.
3. Players on the opposite side of the playing or thrower's end should stand outside the court walls. Sitting on the walls is permissible provided one's legs are on the outside of the walls. Please report any loose boards, protruding nails, etc., to the Staff.
4. Children under eighteen (18) years of age must be supervised by an adult Patron who understands the rules of the game.

iii. BOWLING

1. The center is available for open bowling when league play is not scheduled. Reservations are made through the Amenity Manager on a first-come basis.
2. Proper attire must be worn. Bowling shoes are the only acceptable footwear on the lanes.
3. The bowling machines are all self-scoring. If you are unsure how to operate the machines or need assistance, please contact the Amenity Manager or Staff for instructions.
4. No one is allowed past the foul line or on a bowling lane at any time. If it becomes necessary to traverse the lanes, all walking shall be done in the gutter(s).
5. Proper bowling etiquette shall be adhered to at all times. The use of profanity or disruptive behavior is prohibited.
6. No food or drink is allowed in the approach area.
7. If, at any time, the equipment fails to operate properly or your ball does not return, please contact the Amenity Manager or Staff for assistance.
8. No one is allowed behind the pin-setting machines without the permission of the Amenity Manager.
9. Return all balls and shoes to racks when you have finished bowling.
10. Guests under the age of eighteen (18) years of age must be supervised by adult Patron who understands the rules and regulations of the game.

iv. CINEMA

1. Movies are scheduled on a regular basis by the Amenity Manager and open to all Patrons. Seating capacity is 55 and admittance is on a first-come basis. Guests under eighteen (18) years of age must be accompanied by an adult.
2. Movie selections are made by the Amenity Manager's office based on new releases. Suggestions from Residents are also considered.
3. Scheduled movies and show times are posted and subject to change.
4. Closed-captioning is available for certain movies at certain show times. Please check with the Amenity Manager or Staff to obtain the schedule.
5. Be courteous and arrive on time. Movies are not to begin prior to the scheduled show time.
6. Reservations for the Cinema shall be made through the Amenity Manager's office.
7. Contact the Amenity Manager or Staff for assistance with equipment.
8. Be sure the Cinema is clean and free from trash and debris following any function. Any Resident or Non-Resident Member who reserves and holds a function in the Cinema and fails to clean up and return it to the condition in which it was obtained may be charged a clean-up fee by the Amenity Manager.
9. Report any loose seats, lighting issues, or other facility needs to the Amenity Manager or Staff.

v. CARD ROOMS/BILLIARDS/GAMES

1. Rooms are available during normal hours for open play, however, as many different card and billiard games are held at regularly scheduled times, you should contact the Activities Office or Ashtonliving.net for a list of scheduled activities.
2. Reservations for the Card/Game Room can be made through the Amenity Manager's office.
3. When group activities are scheduled, please be courteous of others. Random play is acceptable when the rooms are not scheduled for group activities.
4. Due to the large demand for these rooms, reservations should include the number of tables required to meet the needs of the group. Tables not used will be considered "open" and will be made available for use by another group or individual.

vi. CLUBHOUSE AND HFC

1. Residents, Non-Resident Members, and members of the general public are responsible for ensuring that their Guests adhere to the Policies set forth herein.
2. The volume of live or recorded music must not violate applicable local government noise ordinances.
3. No open burning or candles are allowed at the facility.
4. Alcoholic beverage service, if approved, shall only be obtained through a service licensed to serve alcoholic beverages. Such service will be required to provide the Amenity Manager with a certificate of insurance, naming the District as an additional insured party. The Amenity Manager may make an exception to this requirement, in advance, for

community events such as pot luck dinners, bingo events and private functions held by Patrons who have reserved the Community Center. Patrons will be allowed to bring beer or wine for personal use when such a community event is held.

5. Patrons are not allowed to bring or use grills or smokers at the Community Center. Upon approval by the Amenity Manager, Patrons may hire an insured caterer to provide this service. The location of any grill or smoker will be at the discretion of the Amenity Manager. Such catering service will be required to provide the Amenity Manager with a certificate of insurance, naming the District as an additional insured party.
6. Each organization, group or individual reserving the use of an Amenity Facility (or any part thereof) agrees to indemnify and hold harmless the District, the owners of the Amenity Facility and the owner's officers, agents and employees from any and all liability, claims, actions, suits or demands by any person, corporation or other entity, for injuries, death, property damage of any nature, arising out of, or in connection with, the use of the District lands, premises and/or Amenities Facilities, including litigation or any appellate proceeding with respect thereto. Nothing herein shall constitute or be construed as a waiver of the District's sovereign immunity granted pursuant to Section 768.38, Florida Statutes.

vii. COURTYARD AND OUTDOOR KITCHEN

1. The courtyard is furnished with tables, chairs, and grilling equipment. Reservations for the courtyard may be made through the Community Center Amenity Manager's office.
2. If you are unsure how to operate the grills or need assistance with any equipment, please contact the Community Center Amenity Manager or Staff for instructions.
3. Please contact the Community Center Amenity Manager or Staff for assistance if equipment at the courtyard fails to operate properly.
4. Guests must be eighteen (18) years of age to operate the grills at the courtyard.
5. The courtyard and surrounding area must be clean and free from trash and debris following any function. Patrons reserving and holding a function at the courtyard and fails to clean up and return it to the condition in which it was obtained may be charged a clean-up fee by the Community Center Amenity Manager.

viii. CRAFT ROOMS

1. Craft Rooms are open during normal operating hours. They are available for general use when not reserved.
2. Reservations for the Craft Rooms can be made through the Amenity Manager's office.
3. If, at any time, the equipment in the Craft Room fails to operate properly, please contact the Amenity Manager or Staff for assistance.
4. Please be courteous of others' projects and do not touch or handle them.
5. Guests under eighteen (18) years of age must be properly supervised by an adult.

ix. FITNESS CENTERS

1. Fitness centers are open daily during normal operating hours.
2. Patrons are encouraged to receive training on the apparatus before utilizing equipment

3. Each facility provides televisions for Patrons. Please be considerate when setting volume levels.
4. Individuals must be fourteen (14) years of age and older to use District Fitness Centers. Individuals 14-17 years of age must be accompanied by an adult.
5. Food, including chewing gum, is not permitted within the District Fitness Centers. Beverages, however, are permitted in the Fitness Centers if contained in non-breakable containers with screw-top or sealed lids.
6. Appropriate attire and footwear (covering the entire foot) must be worn at all times in the District Fitness Centers. Appropriate attire includes tee-shirts, tank tops, shorts, and/or athletic wear (no swimsuits).
7. Each individual is responsible for wiping off fitness equipment after use with the antiseptic wipes provided by the Districts.
8. Use of personal trainers is permitted in the District Fitness Centers with approval from the Amenity Manager.
9. Hand chalk is not permitted to be used in the District Fitness Centers.
10. Radios, tape players, MP3 players and CD players are not permitted unless they are personal units equipped with headphones.
11. No bags, gear, or jackets are permitted on the floor of the District Fitness Centers or on the fitness equipment.
12. Weights or other fitness equipment may not be removed from the District Fitness Centers.
13. Limit use of cardiovascular equipment to thirty (30) minutes and step aside between multiple sets on weight equipment if other persons are waiting.
14. Be respectful of others. Allow other Patrons and Guests to also use equipment, especially the cardiovascular equipment.
15. Replace weights to their proper location after use.
16. Free-weights are not to be dropped and should be placed only on the floor or on equipment made specifically for storage of the weights.
17. Any fitness program operated, established and run by the Amenity Manager may have priority over other users of the District Fitness Centers.

x. HORSESHOES

1. Horseshoe equipment, if available, may be obtained from the Shuffleboard storage closet.
2. Appropriate dress is required on the court.
3. No tossing of horseshoes while someone is in a pit or in the throwing lane. Horseshoes tumble when thrown and participants need to safely clear the pit.
4. Guests under the age of eighteen (18) years of age may play provided they are supervised by an adult Patron and are physically capable of tossing a shoe to the pit. Supervising adults are responsible for children's safety.

xi. INDOOR SPORTS COURTS

1. Various articles of equipment, if available, may be obtained from the equipment storage area.
2. Proper etiquette shall be adhered to at all times. The use of profanity or disruptive behavior is prohibited.

3. Proper athletic shoes and attire are required at all times while on the courts. Shirts must be worn. No black-soled shoes are allowed.
4. Proper safety equipment, such as protective eyewear, must be used when appropriate to the sport being played.
5. Beverages are permitted at the sports courts if they are contained in non-breakable containers with screw-top or sealed lids.
6. No chairs, other than those provided by the Districts, are permitted on the sports courts.
7. Guests under the age of eighteen (18) must be accompanied by an adult Patron.
8. Courts must be cleaned up after use.

xii. LAKES AND PONDS (FISHING)

1. Patrons may fish from any District owned lake/retention pond within the Lake Ashton Community Development District and Lake Ashton II Community Development District. Please check with the Amenity Manager for rules and regulations pertaining to fishing and for proper access points to these bodies of water.
2. No water crafts of any kind are allowed in these bodies of water except for small remote-controlled boats intended for recreational purposes.
3. Swimming is not allowed in any lake or retention pond.

xiii. LIBRARY/MEDIA CENTERS

1. There are two library/media centers, one in the Clubhouse and one in the Community Center. They have books, puzzles, computers, tables, DVDs and an area for reading.
2. Books and puzzles are donated by Patrons for use by other Patrons. They may be removed but must be returned upon completion to either Amenity Facility.
3. District computers and their content, including email, are subject to monitoring and access by the District at any time with or without consent or prior knowledge of the user. The District reserves the right to monitor any use of network resources, to monitor computer and internet usage, including, but not limited to: sites visited, searches conducted, information uploaded or downloaded and to access, retrieve and delete any data stored in, created, received, or sent over the network or using network resources for any reason.
4. It is strictly prohibited to use a District compute for wireless internet access to seek, send or store Inappropriate Content (as defined herein) and/or for unauthorized copying of copyrighted material. Examples of copyrighted materials include, but are not limited to: commercial music, video, graphics, or other intellectual property. The Districts assume no responsibility for any damages, direct or indirect, that may occur from the use of its electronic resources. Users of the Districts computers and/or wireless internet access peruse the internet at their own risk, realizing the potential for accessing offensive, inaccurate, illegal, or fraudulent information.
5. The District reserves the right to revoke any User's access to the Districts' computers and/or wireless internet at any time.

xiv. MEDIA

1. Districts' Media (as defined herein) is provided for the dissemination of factual community information by the Districts to Patrons. The District hereby adopts a no commercial advertisements policy, including those related to Political Issues. This policy provides that the District will not, through its newsletter, e-blast system, website, on the recreational facilities walls or grounds or through other District medium, allow commercial advertisements of any kind, regardless of content. The only commercial advertisements permitted are those that are of official District or Club events, as determined by the Amenity Manager.
2. It is the intent of the Districts to maintain Media as a non-public forum for the dissemination of factual community information by the Districts to Patrons.
3. Clubs that meet the criteria for a Club under the Policies and are properly registered with the Amenity Manager, may submit material for inclusion in Media.
4. All information included in Media shall be limited to factual information, shall not advocate passage or defeat of a candidate, party, measure or other Political Issue, and shall not support, endorse or oppose a candidate for nomination or election to a public office or office of political party or public officer.
5. The provisions hereunder regarding Media shall not be interpreted to prohibit any publications, postings, mailings or information produced, endorsed or circulated by the Supervisor of Elections, local, state, federal or other government of competent jurisdiction over the Districts or to such publications, postings, mailings or information permitted under local, state or federal law.
6. The Districts may accept paid political advertising that complies with Chapter 106, Florida Statutes, and all applicable local, state and federal laws. The advertising rates for such paid political advertising shall be the same as those rates charged to other members of the public for paid advertising. It is the sole responsibility of the party submitting the paid political advertising to ensure the advertisements compliance with all laws, including, but not limited to, those laws requiring mandatory language and/or a disclaimer within the paid political advertising.
7. Notwithstanding any of the foregoing, the Districts reserve full editorial rights to select, exclude, modify, add or delete material submitted for inclusion in Media, including the right to edit material relating to Political Issues, and the Districts additionally reserve the right to include a disclaimer in Media noting the LA CDD and LAII CDD does not endorse or support a particular candidate, party, measure or issue.

#### xv. PAVILION

1. Use of the Pavilion is by reservation only. Reservations can be made through the Amenities Manager's office.
2. The Pavilion is furnished with tables, chairs, fans, electricity, and grills. If you are unsure how to operate the grills or need assistance with any equipment, please contact the Amenity Manager or Staff for instructions.
3. If, at any time, the equipment at the Pavilion fails to operate properly, please contact the Amenity Manager or Staff for assistance.
4. Guests must be eighteen (18) years of age and older to operate the grills.
5. Ensure that the Pavilion and surrounding area is clean and free from trash and debris following any function. Patron who reserves and holds a function at the pavilion and fails

to clean up and return it to the condition in which it was obtained may be charged a clean-up fee by the Amenity Manager.

xvi. PET PARKS

1. Pet parks are open daily from sunrise to sunset. Specific times will vary based on the time of year.
2. The security staff will unlock and lock the gates daily.
3. Both pet play parks welcome all sized pets.
4. Pets must be kept on a leash until through the transition gates. Owners must carry a leash with them at all times.
5. Owners are liable for the actions and behavior of their pets at all times.
6. All pets must wear a collar with identification, current license, and rabies certification. All pets must have all required current vaccinations.
7. All pet waste must be cleaned up immediately by the owners and disposed of properly in the receptacles provided.
8. Aggressive or unruly pets must be leashed and removed from the parks immediately.
9. Pets in heat, displaying aggression or signs of illness or disease are prohibited from using the facility until the circumstances are corrected. This applies equally to pets with worms, fleas, or ticks.
10. All pet handlers must be at least eighteen (18) years of age.
11. No children are allowed in the parks without adult supervision.
12. Pets are not allowed to dig holes. Their owners are responsible for immediately stopping the digging and refilling any holes with soil.
13. At the first sign of aggression or if a pet becomes unruly and plays too rough, the pet must be leashed and removed from the pet park immediately and banned for the remainder of the day. This will also cause a verbal warning to be issued to the owner by the Amenity Manager.
14. In the event the pet harms, bites or fights another pet or an owner, the pet will be banned from visiting the parks while other pets are present for a period of thirty days.
15. If a second incident of harm, biting, or fighting occurs within a six (6) month period, the pet will be banned from the pet park for one (1) year.

xvii. PICKLEBALL

1. Pickleball courts can be reserved through the Amenity Manager. Non-reserved courts are available for open play on a first-come, first-served basis.
2. Use of a pickleball court is limited to one hour when others are waiting, unless the court is used pursuant to a reservation discussed above. Play may continue if no one is waiting.
3. If you find it necessary to “bump” other players when it is your turn to play:
  - a. Never attempt to enter someone else’s court before your reservation time.
  - b. Never enter the court or distract players while others are in the middle of a point or game.
  - c. Wait outside the entrance gate and politely inform the players that you have a reservation time.

- d. Allow players to finish one more point, and then begin the player changeover for the court.
- e. If you are bumped from a court and wish to continue play, please notify the office Staff and they will do their best to get you on the next available court.
- 4. Proper pickleball etiquette shall be adhered to at all times. The use of profanity or disruptive behavior is prohibited.
- 5. Proper court shoes and attire, as determined by the Amenity Manager, are required at all times while on the courts. Shirts must also be worn at all times.
- 6. Due to demand, there is a three (3) Guest limit per court. Guests must be accompanied by a Patron and properly registered.
- 7. No jumping over nets.
- 8. Players must clean up after play. This includes “dead” balls, Styrofoam cups, plastic bottles, etc. The goal is to show common courtesy by leaving the court ready for play for Patrons who follow you.
- 9. Court hazards or damages must be reported to the Amenities Manager for repair.
- 10. No permanent boundary markers or lines may be placed on the courts, other than the existing lines.
- 11. Beverages are permitted at the facility if they are contained in non-breakable containers with screw-top or sealed lids. No food or glass containers are permitted on the tennis courts.
- 12. No chairs, other than those provided by the District are permitted on the pickleball courts.
- 13. Lights at the pickleball facility must be turned off after use.

xviii. RESTAURANT

- 1. The Lake Ashton Clubhouse restaurant is open to Patrons and Non-Residents. Operating hours and menu are determined by the restaurant and are posted at the Clubhouse and on [www.ashtonliving.net](http://www.ashtonliving.net).
- 2. Proper attire must be worn at all times when in the restaurant or when seated on its patio; shoes and shirts are required.
- 3. All Patrons and Guests are also required to adhere to any posted Policy regarding the restaurant that has been approved by the Board of Supervisors.

xix. SHUFFLEBOARD

- 1. Shuffleboard equipment, if available, may be obtained from the Shuffleboard storage closet.
- 2. Appropriate dress is required on the court. Shirts and shoes are required at all times.
- 3. Pucks or sticks are not to be thrown.
- 4. No person or person(s) should walk on or across the Shuffleboard Court.
- 5. Guests under eighteen (18) years of age may play if supervised by an adult Patron who understands the rules and regulations of the game.

xx. SPA

- 1. There is no lifeguard on duty. Patrons and Guests swim at their own risk and must adhere to swimming pool rules at all times.

2. Spa is open during normal operating hours.
3. You must be thirteen (13) years of age to use the spa.
4. Children under the age of eighteen (18) must be accompanied by an adult.
5. Maximum capacity is seven (7) people.
6. No food or beverages are allowed within six (6) feet of the spa.
7. Beverages must be in non-breakable containers with a lid.

xxi. SWIMMING POOLS

1. The Swimming pool is open for free swim unless restricted due to the scheduling of swim lessons and aquatic/recreational programs approved by the Amenity Manager.
2. There is no lifeguard on duty. Patrons and Guests swim at their own risk and must adhere to swimming pool rules at all times.
3. All Patrons must present proper identification or Guest Passes when requested by Staff. As a rule, a Resident may allow up to four (4) Guests to the swimming pool areas.
4. Use of the swimming pools is permitted only during designated hours.
5. Pool and spa availability may be limited or rotated in order to facilitate maintenance of the facility and to maintain health code regulations.
6. Any person swimming during non-posted swimming hours will be subject to suspension and termination policy.
7. Guests under eighteen (18) years of age must be accompanied by an adult at all times
8. Proper swim attire (no cutoffs) must be worn in the pool.
9. Children under three (3) years of age, and those who are not reliably toilet trained, must wear rubber-lined swim diapers, as well as a swimsuit over the swim diaper, to reduce the health risks associated with human waste in the swimming pool/deck area.
10. Adults with bladder control issues or incontinence must wear appropriate attire.
11. The changing of diapers or clothes is not allowed poolside.
12. Showers are required before entering the pool.
13. No one shall pollute the pool. Anyone who pollutes the pool is liable for any costs incurred in treating and reopening the pool.
14. Loud, profane, or abusive language is absolutely prohibited; no physical or verbal abuse will be tolerated.
15. Diving is prohibited; no diving, jumping, pushing, running, throwing any item or other horseplay is allowed in the pool or on the pool deck area.
16. No pets (except service animals), bicycles, skateboards, roller blades, scooters and golf carts are permitted on the pool deck area.
17. Radios, tape players, CD players, MP3 players and televisions are not permitted unless they are personal units equipped with headphones or for scheduled activities such as aqua fitness classes.
18. Play equipment, such as floats, rafts, snorkels, flotation devices and other recreational items must meet with Staff approval. Radio controlled water craft are not allowed at any time in the pool area. The facility reserves the right to discontinue usage of such play equipment during times of peak or scheduled activity at the pool, or if the equipment causes a safety concern.
19. Pool entrances must be kept clear at all times.
20. No swinging on ladders, fences, or railings is allowed.

21. Pool furniture is not to be removed from the pool area.
22. No food or drink are allowed within the area of the wet pool deck (which is defined as the area within four (4) feet of the pool).
23. Food and drinks are permitted outside the wet pool deck area. Glass containers, dishes, and drinking cups are prohibited. Food and non-alcoholic beverages may be brought to the pool area for personal use.
24. No chewing gum is permitted in the pool or spa or on the surrounding deck areas.
25. The Districts are not responsible for lost or stolen items.
26. Chemicals used in the pool/spa may affect certain hair or fabric colors. The Districts are not responsible for these effects.
27. The Amenity Manager will control whether swimming is permitted in inclement weather, and the pool facility may be closed or opened at their discretion. While at the Clubhouse outdoor Pool, if the lightning alarm sounds, all Patrons must evacuate the pool immediately.

xxii. TENNIS COURTS

1. Tennis courts can be reserved through the Amenity Manager. Non-reserved courts are available for open play on a first-come, first-served basis. Patrons desiring to use the tennis courts should check with Staff to verify availability. Use of a tennis court is limited to one and a half (1.5) hours when others are waiting, unless the court is used pursuant to a reservation discussed above. Play may continue if no one is waiting.
2. If you find it necessary to “bump” other players when it is your turn to play:
  - a. Never attempt to enter someone else’s court before your reservation time.
  - b. Never enter the court or distract players while others are in the middle of a point or game.
  - c. Wait outside the entrance gate and politely inform the players that you have a reservation time.
  - d. Allow players to finish one more point, and then begin the player changeover for the court.
  - e. If you are bumped from a court and wish to continue play, please notify the office Staff and they will do their best to get you on the next available court.
3. Proper tennis etiquette shall be adhered to at all times. The use of profanity or disruptive behavior is prohibited.
4. Proper tennis shoes and attire are required at all times while on the courts. Shirts must be worn at all times.
5. Guests are limited to three (3) to a single court. Guests under the age of eighteen (18) are not allowed to use the tennis facility unless accompanied by an adult Patron.
6. No jumping over nets.
7. Players must clean up after play. This includes “dead” balls, Styrofoam cups, plastic bottles, etc. The goal is to show common courtesy by leaving the court ready for play for Patrons who follow you.
8. Court hazards or damages of any type need to be reported to the Amenity Manager for repair.
9. Persons using the tennis facility must supply their own equipment (rackets, balls, etc.).

10. No permanent boundary markers or lines may be placed on the tennis courts, other than the existing tennis lines.
11. Beverages are permitted at the tennis facility if they are contained in non-breakable containers with screw-top or sealed lids. No food or glass containers are permitted on the tennis courts.
12. No chairs, other than those provided by the District, are permitted on the Tennis Courts.
13. Lights at the tennis facility must be turned off after use.
14. A Spinshot tennis ball machine is available at the Clubhouse tennis facility. Use of the machine must be used in accordance with posted instructions. Training for the use of the equipment must occur prior to use and persons using this piece of equipment do so at their own risk.

xxiii. WILDLIFE.

1. When using the Amenity Facilities, including especially outdoor areas and open spaces, please adhere to the following guidelines in regards to non-domesticated animals (“Wildlife”):
  - i. Wildlife encountered within the Amenity Facilities should never be approached.
  - ii. Never leave small children unattended.
  - iii. Never feed wild animals, or leave food/garbage unattended.
  - iv. Wildlife are likely to be present in all natural waters or wetlands. Please take caution and be vigilant when close to such areas.
2. The Lake Ashton Community is a natural Wildlife habitat; therefore, exercise caution and vigilance at all times.
3. Please visit the Florida Fish and Wildlife Conservation Commission’s website for more information regarding interaction with Wildlife common to Florida, found here: <https://myfwc.com/conservation/you-serve/wildlife/>

## XII. USE AT OWN RISK; INDEMNIFICATION

**Any Patron, Guest, or other person who participates in the Activities (as defined below), shall do so at his or her own risk, and shall indemnify, defend, release, hold harmless, and forever discharge the Districts and its contractors, and the present, former, and future supervisors, staff, officers, employees, representatives, agents, and contractors of each (together, “Indemnitees”), for any and all liability, claims, lawsuits, actions, suits or demands, whether known or unknown, in law or equity, by any individual of any age, or any corporation or other entity, for any and all loss, injury, damage, theft, real or personal property damage, expenses (including attorney’s fees, costs and other expenses for investigation and defense and in connection with, among other proceedings, alternative dispute resolution, trial court, and appellate proceedings), and harm of any kind or nature arising out of, or in connection with, the participation in the Activities, by said Patron, Guest, or other person, and any of his or her Guests and any members of his or her family.**

**Should any Patron, Guest, or other person, bring suit against the Indemnitees in connection with the Activities or relating in any way to the Amenities, and fail to obtain judgment therein against the Indemnitees, said Patron, Guest, or other person shall be liable to the Districts for all attorney’s fees, costs, and other expenses for investigation and defense**

**and in connection with, among other proceedings, alternative dispute resolution, trial court, and appellate proceedings.**

**The waiver of liability contained herein does not apply to any act of intentional, willful or wanton misconduct by the Indemnitees.**

**For purposes of this section, the term “Activities,” shall mean the use of or acceptance of the use of the Amenities, or engagement in any contest, game, function, exercise, competition, sport, event, or other activity operated, organized, arranged or sponsored by the Districts, its contractors or third parties authorized by the Districts.**

### **XIII. SOVEREIGN IMMUNITY**

Nothing herein shall constitute or be construed as a waiver of the Districts’ limitations on liability contained in Section 768.28, F.S., or other statutes or law.

### **XIV. SEVERABILITY**

The invalidity or unenforceability of any one or more provisions of these Policies shall not affect the validity or enforceability of the remaining provisions, or any part of the Policies not held to be invalid or unenforceable.

### **XV. OTHER RULES AND POLICIES**

The Districts have also adopted other rules and policies governing the use of District property. Please contact the District Manager for copies of all such rules and policies

# SECTION A

**RESOLUTION 2020-14**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE LAKE ASHTON II COMMUNITY DEVELOPMENT DISTRICT TO DESIGNATE DATE, TIME AND PLACE OF PUBLIC HEARING AND AUTHORIZATION TO PUBLISH NOTICE OF SUCH HEARING FOR THE PURPOSE OF ADOPTING REVISED JOINT AMENITY RULES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Lake Ashton II Community Development District (the “District”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated entirely within the City of Winter Haven, Polk County, Florida; and

**WHEREAS**, Chapter 190, *Florida Statutes*, authorizes the District’s Board of Supervisors (“Board”) to adopt rules setting amenity rates pursuant to Chapter 120, *Florida Statutes*.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE LAKE ASHTON II COMMUNITY DEVELOPMENT DISTRICT:**

**SECTION 1.** A Public Hearing will be held to adopt revised Joint Amenity Policy on \_\_\_\_\_, 2020, at \_\_:00 a.m. It is anticipated that, due to the current COVID-19 public health emergency, this public hearing will be conducted remotely utilizing telephonic or video conferencing communications media technology pursuant to Executive Orders 20-52 and 20-69, as may be amended or extended, and pursuant to Section 120.54(5)(b)2., Florida Statutes. Anyone wishing to access or participate in the public hearings should refer to the District’s website at <http://lakeashton2cdd.com/> or contact the District Manager at [jburns@gmscfl.com](mailto:jburns@gmscfl.com), beginning seven (7) days in advance of the public hearing to obtain access information. If instead conditions allow the public hearing to occur in person, it will be conducted at the \_\_\_\_\_.

**SECTION 2.** The District Secretary is directed to publish notice of the hearing in accordance with Section 120.54, *Florida Statutes*.

**SECTION 3.** This Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

**ATTEST:**

**LAKE ASHTON II COMMUNITY  
DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Vice/Chairperson, Board of Supervisors