

**FISHHAWK COMMUNITY DEVELOPMENT DISTRICT  
FISHHAWK COMMUNITY DEVELOPMENT DISTRICT II  
FISHHAWK COMMUNITY DEVELOPMENT DISTRICT III**

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**RULES AND RATES FOR ALL  
AMENITY FACILITIES**

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*AMENDED JANUARY 16<sup>TH</sup>, 2012*

RESIDENT SERVICES OFFICE  
OSPREY CLUB  
5721 OSPREY RIDGE DRIVE  
LITHIA, FLORIDA 33547  
(813) 657-6629

## DEFINITIONS

**“Amenity Facilities”** – shall mean the properties and areas owned by the District and intended for recreational use and shall include, but not specifically be limited to, the Osprey Club, Aquatic Club, Hawk Park, Park Square, Starling Club, and Fishhawk Ranch Tennis Club together with their appurtenant facilities and areas.

**“Amenity Facilities Policies” or “Policies”** – shall mean all Amenity Facilities Policies of Fishhawk Community Development District, Fishhawk Community Development District II and III, as amended from time to time.

**“Amenity Manager”** – shall mean the management company, including its employees, staff and agents, contracted by the District to manage Amenity Facilities within the District, which facilities include, but are not limited to, the Osprey Club, Aquatic Club, Hawk Park, Park Square, Starling Club, and FishHawk Ranch Tennis Club.

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

**“Board of Supervisors” or “Board”** – shall mean the Fishhawk Community Development District, Fishhawk Community Development District II’s and III’s Board of Supervisors.

**“Clubhouse Facilities”** – shall mean the Osprey Club, Aquatic Club, Hawk Park, and Starling Club.

**“District”** – shall mean the Fishhawk Community Development District, Fishhawk Community Development District II and III.

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

**“Family”** – shall mean a group of individuals living under one roof or head of household. This can consist of individuals who have not yet attained the age of eighteen (18), together with their parents or legal guardians. This does not include visiting relatives, or extended family not residing in the home.

**“Guest”** – shall mean any person or persons who are invited and accompanied for the day by a Patron to participate in the use of the Amenity Facilities.

**“Non-Resident”** – shall mean any person or persons that do not own property within the District.

**“Non-Resident Member”** – shall mean any person or Family not owning property in the District who is paying the Annual User Fee to the District for use of all Amenity Facilities.

**“Patron” or “Patrons”** – shall mean Residents, Non-Resident Members, and Renters; who are fourteen (14) years of age and older.

**“Renter”** – shall mean any tenant residing in a Resident’s home pursuant to a valid rental or lease agreement.

**“Resident”** – shall mean any person or family owning property within the District.

**“Adult”** – shall be considered any person eighteen (18) years of age or older.

**“Minor”** – shall be considered any person seventeen (17) years of age or younger.

### **ANNUAL USER FEE STRUCTURE**

The annual user fee for persons not owning property within the District is \$1600.00 per family which shall be reviewed each year in conjunction with the adoption of the annual Fiscal Year budgets for Fishhawk Community Development District, Fishhawk Community Development District II and III (“the Districts”). The fee includes all amenities within the Districts. This fee will cover membership to all Amenity Facilities for one (1) full year from the date of receipt of payment by the District. This fee must be paid in full at the time of the completion of the Non-Resident Member application. Each subsequent annual membership fee shall be paid in full on the anniversary date of application for membership. Such fee may be increased, not more than once per year, by action of the Board of Supervisors, to reflect increased costs of operation of the amenity facilities; such increase may not exceed ten percent (10%) per year. This membership is not available for commercial or business purposes.

### **FACILITY ACCESS CARDS**

One (1) Facility Access Card will be issued to all members of each Resident’s Family and Non-Resident Members; this includes all children fourteen (14) years of age and older. There is a \$10.00 charge to replace any lost or stolen cards. All members will be required to provide proof of District residence or an executed Non-Resident Member Application paid in full. All members will be asked to execute an amenity facilities registration form prior to receiving their access card.

### **GUARDIAN ACCESS CARDS**

One (1) Guardian Facility Access Card may be issued to a Resident Family, Non-Resident Member Family or Renter Family at any one time. There is a \$10.00 charge for this card. The person being issued this card must be at least eighteen (18) years of age or older. An executed and notarized Guardianship Power of Attorney Form for each child under the age of fourteen (14) they will be responsible for is required. This card is good for one (1) year from the date of issuance. The Guardian is not allowed to use the Amenity Facilities unless using them with the child or children assigned to the card. The Guardian is also not allowed to bring Guests to the Amenity Facilities at any time. The

child or children assigned to the Guardian Card will be required to obtain a Child Identification Card. There is a \$5.00 charge for this card.

### **RENTER'S PRIVILEGES**

- (1) Residents who rent out or lease out their residential unit(s) in the District shall have the right to designate the Renter of their residential unit(s) as the beneficial users of the Resident's membership privileges for purposes of Amenity Facilities use.
- (2) In order for the Renter to be entitled to use the Amenity Facilities, the Renter must acquire a membership with respect to the residence which is being rented or leased. The Renter will need to get the Assignment of Rights and Privileges Form from the Resident Services Office and have it executed by the Resident and notarized prior to any Facility Access Cards being issued to the Renter. A Renter 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. There is a \$10.00 charge per card if issuing a new one to first time Renters.
- (3) During the period when a Renter 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.
- (4) Residents shall be responsible for all charges incurred by their Renters which remain unpaid after the customary billing and collection procedure established by the District. Resident owners are responsible for the department of their respective Renter.
- (5) Renters shall be subject to such other rules and regulations as the District may adopt from time to time.

### **GUEST POLICY**

- (1) **All Pools** – Patrons sixteen (16) and seventeen (17) years of age are only permitted to bring one (1) Guest each. That Guest must be sixteen (16) years of age or older and have proper identification to verify age when being accompanied by a Patron sixteen (16) and seventeen (17) years of age. A Family, as defined in these policies is limited to a maximum of four (4) total Guests. One of the Family members present must be eighteen (18) years of age or older in order to bring up to four (4) total Guests.
- (2) **Fitness Center** – No Guests are allowed in the Fitness Centers at anytime. Patrons may bring a preapproved trainer to the Fitness Centers for a personal training session only.
- (3) Patrons ages fourteen (14) years of age and older are permitted to bring one (1) Guest to all other amenities except the pools, Tennis Center, and Fitness Centers. That Guest must be fourteen (14) years of age or older and have proper identification to verify age when being accompanied by a Patron fourteen (14) years of age or older.

- (4) Guests must be accompanied by a Patron when using any amenity facility (**excluding Park Square**). Patron will be responsible for any damages caused by Guests while using facilities.

### **GENERAL FACILITY PROVISIONS**

- (1) The Board reserves the right to amend, modify, or delete, in part or in their entirety, these Rules and Policies when necessary, at a duly-noticed Board meeting, and will notify the Patrons of any changes. However, in order to change or modify rates or fees beyond the increases specifically allowed for by the District's rules and regulations, the Board must hold a duly-noticed public hearing on said rates and fees.
- (2) All Patrons must have their assigned Facility Access Card upon entering the amenities. Cards are only to be used by the Patron they are issued to. Patron must present Facility Access Card upon request from Amenity Staff members.
- (3) Children under fourteen (14) years of age must be accompanied by a parent or adult Patron aged eighteen (18) or older.
- (4) All hours of operation of Amenity Facilities will be established and published by the District. The Clubhouse Facilities will be closed on the following holidays: Easter, Thanksgiving Day, Christmas Day and New Year's Day. The Clubhouse Facilities may also have limited hours of operation or be closed on Christmas Eve and New Year's Eve with Board authorization.
- (5) Dogs and all other pets (with the exception of Service Animals) are not permitted at the Clubhouse Facilities and pools. Where Service Animals are permitted on the grounds, they must be leashed. Patrons are responsible for picking up after all pets as a courtesy to residents and in accordance with the law.
- (6) Alcoholic beverages shall not be served or sold, nor permitted to be consumed on the Amenity Facilities premises unless at Park Square which is a designated "Wet Zone" and at pre-approved private parties at designated amenity facilities listed in this policy manual. Alcoholic beverages may also be served at District pre-approved special events.
- (7) Vehicles must be parked in designated areas. Vehicles should not be parked on grass lawns, or in any way which blocks the normal flow of traffic.
- (8) Fireworks of any kind are not permitted anywhere on the Amenity Facilities or adjacent areas.
- (9) Only District employees and staff are allowed in the service areas of the Amenity Facilities.
- (10) The Board of Supervisors (as an entity) and the District Manager, the Amenity Manager and its staff shall have full authority to enforce these policies.

- (11) Smoking is not permitted anywhere in the amenity facilities.
- (12) Guests must be accompanied by a Patron while using the Amenities.
- (13) Patrons must present their Facility Access Cards when requested by staff at any Amenity Facility.
- (14) All Patrons must use their card for entrance to the Amenity Facility. All lost or stolen access cards should be reported immediately to the Amenity Center Manager. There will be a \$10.00 replacement card fee.
- (15) Disregard for any Amenity Facilities rules or policies may result in expulsion from the facility and/or loss of Amenity Center privileges in accordance with the procedures set forth herein.
- (16) Patrons and their guests shall treat all staff members with courtesy and respect.
- (17) Golf carts, motorcycles, off-road vehicles (including ATV's), and motorized scooters are prohibited on all property owned, maintained, and operated by the District or at any of the Amenities within District unless they are owned by the District.
- (18) Skateboarding is not allowed on any District Amenity Facility Property, this includes but is not limited to: the amenity facilities, tennis courts, basketball courts, athletic fields, playground area, bridge areas, and sidewalks surrounding this area. Skateboarding is only allowed at the Skate Park located in the District, which may be subject to additional fees.
- (19) Commercial advertisements 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 Facilities property unless approved in writing by the Amenity Manager.
- (20) The Amenity Facilities shall not be used for commercial purposes without written permission from the Amenity Manager and the District Manager. The term "commercial purposes" shall mean those activities which involve, in any way, the provision of goods or services for compensation.
- (21) Firearms or any other weapons are not permitted in any of the Amenity Facilities.
- (22) The Amenity Manager reserves the right to authorize all programs and activities, including the number of participants, equipment and supplies usage, facility reservations, etc., at all Amenity Facilities, except usage and rental fees that have been established by the Board. The Amenity Manager also 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 and programs, and children's programs, social events, etc. Should the District be entitled to any of these revenues based on its established rental or usage fees, the Amenity Manager will be required to compensate the District accordingly.

- (23) There is no trespassing allowed in all designated wetland conservation and/or mitigation areas located on District property. Trespasser will be reported to the local authorities.
- (24) 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.
- (25) All Patrons shall abide by and comply with any and all federal, state and local laws and ordinances while present at or utilizing the Amenity Facilities, and shall ensure that any minor for whom they are responsible also complies with the same.
- (26) Various areas of all Amenity Facilities are under twenty-four (24) hour video surveillance.
- (27) Outdoor grilling is prohibited at all amenity facilities unless at a District pre approved special event.

### **LOSS OR DESTRUCTION OF PROPERTY OR INSTANCES OF PERSONAL INJURY**

Each Patron and each guest as a condition of invitation to the premises of the center assume sole responsibility for his or her property. The District and its contractors shall not be responsible for the loss or damage to any private property used or stored on the premises of the center, whether in lockers or elsewhere.

No person shall remove from the room in which it is placed or from the Amenity Facilities' premises any property or furniture belonging to the District or its contractors without proper authorization. Amenity Facilities Patrons shall be liable for any property damage and/or personal injury at the Amenity Facilities, or at any activity or function operated, organized, arranged or sponsored by the District or its contractors, caused by the member, any guests or any family members. The District reserves the right to pursue any and all legal and equitable measures necessary to remedy any losses due to property damage or personal injury.

Any Patron, guest or other person 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 District or its contractors, or who engages in any contest, game, function, exercise, competition or other activity operated, organized, arranged or sponsored by the District, either on or off the Amenity Facilities' premises, shall do so at his or her own risk, and shall hold the Amenity Facility, the District, the Board of Supervisors, District employees, District

representatives, District contractors, District agents, harmless for any and all loss, cost, claim, injury damage or liability sustained or incurred by him or her, resulting there from and/or from any act of omission of the District, or their respective operators, Supervisors, employees, representatives, contractors, or agents. Any Patron shall have, owe, and perform the same obligation to the District and their respective operators, Supervisors, employees, representative, contractors, and agents hereunder in respect to any loss, cost, claim, injury, damage or liability sustained or incurred by any guest or family member of such 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, 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 Facility operator, officers, employee, representative, contractor or agent, said party shall be liable to the District 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).

#### **GENERAL AMENITY FACILITY USAGE POLICY**

All Patrons and Guests using the Amenity Facilities are expected to conduct themselves in a responsible, courteous and safe manner, in compliance with all policies and rules of the District governing the Amenity Facilities. Violation of the District's Policies and/or misuse or destruction of Amenity Facility equipment may result in the suspension or termination of District Amenity Facility privileges with respect to the offending Patron or Guest. The District may pursue further legal action and restitution in regards to destruction of Amenity Facility property or equipment.

**Hours:** The District Amenity Facilities are available for use by Patrons during normal operating hours to be established and posted by the District.

**Emergencies:** After contacting 911 if required, all emergencies and injuries must be reported to the office of the District Manager (813) 933-5571.

***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 or athletic instruction, 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.***

**GENERAL RULES FOR ALL SWIMMING POOLS, WATER PARK, WATER SLIDE,  
AND INTERACTIVE FOUNTAIN**

**\*\*NO LIFEGUARD ON DUTY – SWIM AT YOUR OWN RISK\*\***

<b>Hours:</b>	September and October:	Open Dawn	Close 7:00 PM
	November through February:	Open Dawn	Close 5:30 PM
	March and April:	Open Dawn	Close 7:00 PM
	May through August:	Open Dawn	Close 8:30 PM

*\*Note hours do not affect Park Square Interactive Fountain.*

- (1) All Patrons must use their assigned Facility Access Card issued to them upon entering the pool area. At any given time, a family may accompany a maximum of four (4) total guests to the swimming pools.
- (2) Children under fourteen (14) years of age must be accompanied by a Parent or Adult Patron at all times for usage of the pool facility.
- (3) Radios, tape players, CD players, MP3 players and televisions, and the like are not permitted unless they are personal units equipped with headphones.
- (4) Swimming is permitted only during designated hours, as posted at the pool. Swimming after dusk is prohibited by the Florida Department of Health. During the posted hours Patrons swim at your own risk while adhering to swimming pool rules.
- (5) Showers are required before entering the pools, water park, or using the water slide.
- (6) Glass containers are not permitted in the pool area.
- (7) Alcoholic beverages are not permitted in the pool area.
- (8) No jumping, pushing, running or other horseplay is allowed in the pool or on the pool deck area.
- (9) Hanging on the lane lines and interfering with the lap-swimming lane is prohibited.
- (10) 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 swim suit over the swim diaper, to reduce the health risks associated with human waste in the swimming pool/deck area.
- (11) Diving is strictly prohibited at all pools, with the exception of Swim Team competitions pre-approved by the Board of Supervisors.

- (12) Swimming Pool hours will be posted. Pool availability may be limited or rotated in order to facilitate maintenance of the facility. Depending upon usage, the pool may be closed for various periods of time to facilitate maintenance and to maintain health code regulations.
- (13) Any person swimming during non-posted swimming hours may be suspended from using the facility and possibly all the facilities.
- (14) Proper swim attire must be worn in the pool.
- (15) No chewing gum is permitted in the pool or on the pool deck area.
- (16) For the comfort of others, the changing of diapers or clothes is not allowed at pool side.
- (17) No one shall pollute the pool. Anyone who does pollute the pool is liable for any costs incurred in treating and reopening the pool.
- (18) Remote controlled water craft are not allowed in the pool area.
- (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) Loud, profane, or abusive language is absolutely prohibited.
- (23) No physical or verbal abuse will be tolerated.
- (24) Chemicals used in the pool may affect certain hair or fabric colors. The District is not responsible for these effects.
- (25) Pets, (with the exception of service animals), bicycles, skateboards, roller blades, and scooters are not permitted on the pool deck area inside the pool gates at any time.
- (26) The Amenity Staff reserves the right to authorize all programs and activities, with regard to the number of guest participants, equipment, supplies, usage, etc., conducted at the pool, including Swim Lessons, Aquatic/Recreational Programs and Home Owner's Association Sponsored Events.

#### **AQUATIC TOY AND RECREATIONAL FLOATATION DEVICE POLICY**

- (1) Aquatic toys and equipment are not permitted in the pool. Prohibited items include, but are not limited to, rafts, kickboards, inner tubes, scuba gear, swim fins, balls, Frisbees, inflatable objects, or other similar water play items.

- (2) Exceptions are Coast Guard approved personal floatation devices, kickboards for lap swimming/swim classes, masks, goggles, water wings, and water toys for organized special events.
- (3) Amenity Management Staff has the final say regarding the use of any and all recreational floatation devices at all pools.

### **FECES POLICY FOR ALL SWIMMING AND WADING POOLS**

- (1) If contamination occurs, the affected pool will be fenced off and closed for twenty four (24) hours per the Florida Department of Health guidelines. The water will be shocked with chlorine to kill the bacteria.
- (2) Parents should take their children to the restroom before entering the pool.
- (3) Children under three (3) years of age, and those who are not reliably toilet trained, must wear rubber lined swim diapers and a swimsuit over the swim diaper.

### **AQUATIC CLUB SLIDE PROCEDURES**

- (1) You must shower prior to using the slide. Patrons use the slide at your own risk.
- (2) One person at a time may go down the slide. Failure to abide by this policy will result in expulsion from the Aquatic Club for the day.
- (3) Only Coast Guard approved personal floatation devices are allowed on the water slide.
- (4) All Patrons and Guests must wait for the light to turn green before proceeding down the slide.
- (5) Absolutely NO stopping on the slide.
- (6) No running on stairs or slide deck.
- (7) Climbing on rocks is not permitted.
- (8) For safety reasons, pregnant women and persons with health conditions or back problems should not use the water slide.
- (9) Children/infants are NOT permitted to go down the slide sitting on a Patron's lap.
- (10) All Patrons and Guests must go down the slide seated, feet first and facing forward. Head first is prohibited and will result in expulsion from the Aquatic Club for the day.

- (11) Failure to follow slide procedures will result in loss of patron's slide privileges for one (1) day. Should subsequent attempts be made to utilize the slide during suspension of such privilege, patron will be suspended from the facility for a period of one (1) day.

### **THEATER POLICIES**

- (1) Patrons eight to thirteen (8-13) years old are eligible to obtain a Theater Card.
- (2) Dry snacks only are permitted in the Theater.
- (3) All Patrons and Guests are expected to clean their area when movie is over.
- (4) Proper attire required. **No bathing suits permitted in the Theater.**
- (5) Patrons are not authorized to operate the Video Equipment.
- (6) Movies with a rating of G or PG will be shown. PG-13 and Rated R movies will not be shown unless Patrons rents the Theater exclusively for a private viewing.
- (7) The fee to rent the Theater is:
  - o \$75.00 from 12:00pm to 5:00pm
  - o \$125.00 from 6:00pm to 11:00pm
- (8) Such fee may be increased, not more than once per year, by action of the Board of Supervisors, to reflect increased costs of operation; such increase may not exceed ten percent (10%) per year.

### **FITNESS CENTERS POLICIES**

All Patrons using the Fitness Centers are expected to conduct themselves in a responsible, courteous and safe manner in compliance with all policies and rules of the District governing the amenity facilities. Disregard or violation of the District's policies and rules and misuse or destruction of the Fitness Centers equipment may result in the suspension or termination of usage privileges. The District may pursue further legal action and restitution in regards to destruction of Amenity Facility property or equipment.

**Please note the Fitness Centers are unattended facilities. Persons using the facilities do so at their own risk. Staff is not present to provide Personal Training or Exercise Consultation to Patrons. Persons interested in using the Fitness Centers are encouraged to consult with a physician prior to commencing a fitness program.**

- (1) **Hours:** The Fitness Centers are open for use by Patrons during normal operating hours to be established and posted by the District.

- (2) **Emergencies:** Call 911 if immediate medical attention is necessary. All emergencies and injuries must be reported to the Amenity Staff as well as the District Manager at (813) 933-5571.
- (3) **Eligible Users:** Patrons sixteen (16) years of age and older are permitted to use the Fitness Centers during designated operating hours. No one under the age of sixteen (16) is allowed in the Fitness Centers at anytime. Patron must provide proof of age if requested by Staff to use the Fitness Centers.
- (4) **Guest Policy:** No Guests are allowed in the Fitness Centers at anytime. Patrons may bring a trainer to the Fitness Centers for personal training sessions only. Personal trainers must be preapproved by the Community Director.
- (5) **Food and Beverage:** Food (including chewing gum) is not permitted within the Fitness Centers. , Water is permitted in the Fitness Centers if contained in non-breakable containers with screw top or sealed lids. Alcoholic beverages are not permitted.
- (6) **Proper Attire:** Appropriate clothing and athletic footwear (covering the entire foot) must be worn at all times in the Fitness Centers. Appropriate clothing includes t-shirts, tank tops, athletic shorts (no jeans), and/or sweat suits (no swimsuits).
- (7) **General Policies:**
  - A. Each individual is responsible for wiping off fitness equipment after use.
  - B. Use of personal trainers is not permitted in the Fitness Centers unless preapproved by the District.
  - C. Hand chalk is not permitted to be used in the Fitness Centers.
  - D. Radios, tape players and CD players are not permitted unless they are personal units equipped with headphones.
  - E. Weights or other fitness equipment may not be removed from the Fitness Centers.
  - F. Please limit use of cardiovascular equipment to thirty (30) minutes and step aside between multiple sets on weight equipment if other persons are waiting.
  - G. Please replace weights to their proper location after use.
  - H. 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.
  - I. Any fitness program operated, established, and run by Amenity Staff may have priority over other users of the Fitness Centers.

### **BASKETBALL, VOLLEYBALL AND ROLLER HOCKEY COURT FACILITY POLICIES**

All Patrons and guests using the Basketball, Volleyball, and Roller Hockey Court Facilities are expected to conduct themselves in a responsible, courteous and safe manner in compliance with all policies and rules of the District governing the amenity facilities. Disregard or violation of the District's policies and rules and misuse or destruction of Facility equipment may result in the suspension or termination of Facility privileges. The District may pursue further legal action and

restitution in regards to destruction of Amenity Facility property or equipment. Guests may use the Basketball, Volleyball, and Roller Hockey Court Facilities if accompanied by a Patron.

**Please note that the Basketball, Volleyball, and Roller Hockey Court Facility are unattended Facilities and persons using the facility do so at their own risk. Persons interested in using these Facilities are encouraged to consult with a physician prior to use.**

- (1) **Hours:** The Basketball, Volleyball, and Roller Hockey Court Facilities are available for use by Patrons during normal operating hours which are posted. These facilities may not be rented, and work on a first come first serve basis.
- (2) **Emergencies:** All emergencies and injuries must be reported to the Amenity Staff as well as the District Manager at (813) 933-5571.
- (3) **Proper Attire:** Proper basketball or athletic shoes and attire are required at all times while on the courts. Proper attire shall consist of athletic shoes, shirts, and shorts or athletic pants.
- (4) **General Policies:**
  - A. The Basketball and Roller Hockey Court Facility is for the play of Basketball and Roller Hockey only. Pets, roller blades, bikes, skates, skateboards, and scooters are prohibited at the facility.
  - B. Beverages are permitted at the Basketball, Volleyball, and Roller Hockey Court Facility if contained in non-breakable containers with screw top or sealed lids. No glass containers are permitted on the basketball, volleyball, or roller hockey courts.
  - C. Alcoholic beverages are not permitted on Basketball, Volleyball, or Roller Hockey Courts.
  - D. Anyone under the age of fourteen (14) is not allowed to use the Basketball, Volleyball, or Roller Hockey Court Facilities unless accompanied by an Adult Patron.
  - E. The Basketball, Volleyball, and Roller Hockey Courts are available on a first come, first serve basis. It is recommended that persons desiring to use the Basketball, Volleyball, or Roller Hockey Court check with the Amenity Staff to verify availability in case they are reserved for programs or closed for maintenance. Use of the Basketball, Volleyball, or Roller Hockey Court is limited to one (1) hour when others are waiting.
  - F. Proper Basketball, Volleyball, and Roller Hockey etiquette shall be adhered to at all times. The use of profanity or disruptive behavior is prohibited.
  - G. Persons using the Basketball, Volleyball, or Roller Hockey Court Facility must supply their own equipment.
  - H. Please clean up the courts and surrounding areas after use.
  - I. Usage of the Basketball, Volleyball, or Roller Hockey Court Facility by Guests, unless accompanied by a Patron, is strictly prohibited.

## **SOFTBALL FIELD POLICIES**

All Patrons and guests using the Softball Field Facility are expected to conduct themselves in a responsible, courteous and safe manner in compliance with all policies and rules of the District governing the amenity facilities. Disregard or violation of the District's policies and rules and misuse or destruction of Facility equipment may result in the suspension or termination of Facility privileges. The District may pursue further legal action and restitution in regards to destruction of Amenity Facility property or equipment. Guests may use the Softball Facility if accompanied by a Patron.

**Please note that the Softball Field is an unattended Facility and persons using the facility do so at their own risk. Persons interested in using these Facilities are encouraged to consult with a physician prior to use.**

- (1) **Hours:** The Softball Field is available for use by Patrons from 8:00 AM to 10:00 PM, Monday thru Sunday.
- (2) **Emergencies:** All emergencies and injuries must be reported to the Amenity Staff as well as the District Manager at (813) 933-5571.
- (3) **Proper Attire:** Proper athletic shoes and attire are required at all times while on the field. Proper attire shall consist of athletic shoes, shirts, and shorts or athletic pants.
- (4) **General Policies:**
  - A. Usage works on a first come first serve basis, unless otherwise programmed by District.
  - B. Schedules of programs will be posted.
  - C. Usage of the softball fields by organizations charging a fee is strictly prohibited unless pre-approved by the District.

## **FISHHAWK RANCH TENNIS CLUB RESERVATION POLICIES**

- (1) All Patrons and their Guests must check in and register at the Tennis Club Pro Shop prior to going on a court. Your access card is required and will be kept at the Pro Shop until the court key is returned. A \$25 fee will be charged as a result in the failure to return the key. All players must use the approved entrance and exit gates at the end of each court and may not walk across a court to gain access to a court.
- (2) The minimum Patron age to bring a Guest is eighteen (18). The minimum age for a Patron to reserve a court is fourteen (14) accompanied by a release form signed by a parent /legal guardian. Patrons under the age of fourteen (14) may not play with a guest. Any players under the age of fourteen (14) must be accompanied a parent/legal guardian unless participating in teaching class or tournament
- (3) Guests using the Tennis Club facility must be accompanied by a Patron. Patrons are responsible for taking care of the Guest Fee of \$10.00 per Guest for a maximum

amount of time of one (1) hour and thirty (30) minutes of play. Each Patron may invite up to three Guests on one court.

- (4) Reservations for court time may be made by Patrons one week (7 days) in advance on a first come first serve basis either in person or by phone (voicemail reservations excluded). The first and last names of all participants who will be utilizing the court must accompany the reservation. If there is an available court, a reservation can be made the same day as desired play.
- (5) Please call the Tennis Club Pro Shop if you cannot make your scheduled reservation so staff can re-assign the reservation time slot.
- (6) Patrons playing with Guests may reserve court time three (3) days in advance of play. Patrons playing with Guests are not permitted to play prior to 11:00 am and Saturdays, Sundays and holidays. If courts are available, Guests may play earlier, at the Tennis Club Managers discretion.
- (7) Each court may be reserved for singles and doubles, for a maximum amount of time of one (1) hour and thirty (30) minutes. Names of all the players are required for court reservations. Courts will be held for ten (10) minutes past the reserved time.
- (8) All Patrons reserving courts at night must make reservations during the hours of operation of the Tennis Club Pro Shop. The latest a Patron can play on the courts is until 9 pm. The court key must be returned to the Pro Shop prior to leaving the facility after completing play.
- (9) Once an individual is off the court, he/she may sign up for the next available court reserved. Concurrent team member play is not permitted with advance reservations unless available that day and approved by the Tennis Club Manager; *example: (Smith may not play on Jones' court at 9:00 am and have a court in his name at 10:00 am).*
- (10) Proper tennis attire, as determined by the professional staff, is required at all times. Approved clay court shoes are required for players.
- (11) To promote harmony within the community and avoid unpleasant confrontations, complaints regarding tennis rules violations or breaches of etiquette shall be put in writing to be further discussed by the Tennis Club Manager. If further action is necessary, the issue will be referred to the District Manager.

### **FISHHAWK RANCH TENNIS CLUB POLICIES**

All Patrons and Guests using the Fishhawk Ranch Tennis Club are expected to conduct themselves in a responsible, courteous and safe manner in compliance with all policies and rules of the District governing the amenity facilities. Disregard or violation of the District's policies and rules and misuse or destruction of Facility equipment may result in the suspension or termination of Facility privileges. The District may pursue further legal action and restitution in

regards to destruction of Amenity Facility property or equipment. Guests may use the Fishhawk Ranch Tennis Club Facilities if accompanied by an adult Patron.

**Facilities and persons using the facility do so at their own risk. Persons interested in using these Facilities are encouraged to consult with a physician prior to use.**

- (1) **Hours:** The Fishhawk Ranch Tennis Club Facilities are available for use by Patrons from 8:30 am to 9:00 pm, Monday thru Saturday and 8:30 am to 5:00 pm on Sunday. These facilities may not be rented but can be reserved.
- (2) **Emergencies:** All emergencies and injuries must be reported to the Tennis Club Manager as well as the District Manager at (813) 933-5571.
- (3) **General Policies:**
  - A. The tennis courts are open from 8:30 am to 9:00 pm, Monday thru Saturday and 8:30 am to 5:00 pm on Sunday. Hours to be adjusted based on season and demand.
  - B. Schedules of programs will be posted in the Tennis Club Pro Shop.
  - C. Patrons and Guest must supply their own equipment.
  - D. Use of glass containers on the tennis court is not permitted
  - E. Proper tennis shoes and attire, as determined by the staff, are required at all times while on the courts. Shirts must be worn at all times.
  - F. No jumping over nets.
  - G. Please brush and line courts when your play is finished. The staff brush and line the courts at the beginning of the day.
  - H. 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.
  - I. Court hazards or damages, such as popped line nails, need to be reported to the staff for repairs.
  - J. The Tennis Club is for the play of tennis only. Pets and the use of roller blades, bikes, skates, skateboards and scooters are prohibited on the tennis courts; including tennis club porches.
  - K. Lights will automatically turn off at the end of the playing day, but no later than 9:00 pm unless approved by the Tennis Club Manager.
  - L. The Tennis Club Manager reserves the right to authorize all programs and activities, with regard to the number of guest participants, equipment, supplies, usage, etc., conducted at the Fishhawk Ranch Tennis Club, including Tournaments, League Play, Lessons, and Home Owner’s Association Sponsored Events.

### **HAWK PARK AND OSPREY CLUB TENNIS COURT POLICIES**

All Patrons and Guests using the Hawk Park and Osprey Tennis Facilities are expected to conduct themselves in a responsible, courteous and safe manner in compliance with all policies and rules of the District governing the amenity facilities. Disregard or violation of the District’s policies and rules and misuse or destruction of Facility equipment may result in the suspension

or termination of Facility privileges. The District may pursue further legal action and restitution in regards to destruction of Amenity Facility property or equipment. Guests may use the Facilities if accompanied by a Patron.

**Facilities and persons using the facility do so at their own risk. Persons interested in using these Facilities are encouraged to consult with a physician prior to use.**

- (1) **Hours:** The Hawk Park and Osprey Club Tennis Facilities are available for use by Patrons from 8:00 am to 10:00 pm, Monday thru Sunday.
- (2) **Emergencies:** All emergencies and injuries must be reported to the Amenity Staff as well as the District Manager at (813) 933-5571.
- (3) **General Policies:**
  - A. Court use is limited to one (1) hour when other Patrons and/or Guests are waiting. Court use limit commences upon Patron and/or Guest arrival.
  - B. Usage works on a first come first serve basis, unless otherwise programmed by the District.
  - C. Schedules of programs will be posted.
  - D. Proper attire is required.
  - E. Patrons and Guest must supply their own equipment.
  - F. Use of glass containers on the tennis court is not permitted.
  - G. The Tennis Club is for the play of tennis only. Pets and the use of roller blades, bikes, skates, skateboards and scooters are prohibited on the tennis courts.

### **SKATE PARK POLICIES**

All Patrons and guests using the Skate Park Facilities are expected to conduct themselves in a responsible, courteous and safe manner in compliance with all policies and rules of the District governing the amenity facilities. Disregard or violation of the District's policies and rules and misuse or destruction of Facility equipment may result in the suspension or termination of Facility privileges. The District may pursue further legal action and restitution in regards to destruction of Amenity Facility property or equipment. Guests may use the Skate Park Facilities if accompanied by an adult Patron.

**Please note that the Skate Park Facility is unattended. Facilities and persons using the facility do so at their own risk. Persons interested in using these Facilities are encouraged to consult with a physician prior to use.**

- (1) **Hours:** The Skate Park Facilities are available for use by Patrons from 9:00 am to Dusk, Monday thru Sunday. These facilities may not be rented, and work on a first come first serve basis.
- (2) **Emergencies:** All emergencies and injuries must be reported to the Amenity Staff as well as the District Manager at (813) 933-5571.

### (3) General Policies:

- A. The Skate Park is closed for inclement weather.
- B. All Patrons and Guest must obtain a Skate park pass from the Resident Services Office located at the Osprey Club. Guest will need to purchase their pass at the following fees: **The Day Pass is \$5.00 and the Lifetime Pass is \$50.00. Such fees may be increased, not more than once per year, by action of the Board of Supervisors, to reflect increased costs of operation; such increase may not exceed ten percent (10%) per year.**
- C. Children under the age of eighteen (18) must have a parent or legal guardian sign the Skate park waiver. Babysitters, caretakers, and grandparents are not authorized signers. There is no age limit to obtain a skate park pass.
- D. Bicycles and scooters are not permitted inside the Skate Zone at the Skate Park..
- E. Ripsticks are permitted.
- F. All skaters are required to wear safety equipment at all times. This equipment includes protective helmets, elbow pads, knee pads, and wrist/hand guards.
- G. No glass containers permitted at the Skate Park.
- H. Smoking or profanity is not permitted.
- I. All Skate park rules are posted and included on the Waiver. Failure to abide by the rules can result in the revocation of the Skate park pass.
- J. There is a cost of \$25.00 to replace lost Skate park passes.

### PARK SQUARE POLICIES

#### Curfew and Loitering Policy:

Juveniles under the age of eighteen (18) are not permitted in Park Square or parking lot of Park Square between dusk and 6:00 am daily with the following exceptions:

1. Juvenile is accompanied by a parent, guardian or other responsible adult
2. The juvenile is at work or in the process of going to or coming home from their place of employment at Park Square
3. The juvenile is in front of his or her own residence
4. The juvenile is conducting legitimate and specific business at the park or establishment located at Park Square

In addition, this policy states that the Hillsborough County Sheriff's Department and employees of the Amenity Management company have the authority to disperse large crowds of juveniles who congregate in the park or parking lot areas with no real purpose, at any time of day.

The District hereby gives permission to the Hillsborough County Sheriff's Department to enforce this policy by doing the following:

*(This applies to deputies working off-duty for the District as well as deputies on regular patrol)*

1. Give juveniles fair warning at first recognition of violation of policy
2. Issue *Trespass Warnings*, at deputy's discretion, to juveniles who fail to obey the policy

3. Violators who have been issued *Trespass Warnings* and subsequently return to the park prior to the warning's expiration, may be arrested for trespassing
4. Anyone found guilty of vandalism or other illegal activity while on District property will be prosecuted to the fullest extent of the law with no exceptions

The intent of this policy is to protect the property of the District as well as the interests of the residents of the District while patronizing the businesses of Park Square.

**General Policies:**

- (1) The entire Park, to the curb (along both streets) and to the parking lot is zoned as a "wet zone". The consumption of alcoholic beverages both appropriately and responsibly is permitted by anyone 21 years old or older. NO drinking in the streets or parking lot.
- (2) No vehicles, except emergency vehicles will be allowed in the Park.
- (3) Bicycles should only be ridden on the perimeter sidewalks, in other areas they should be parked outside the main traffic area or walked through that area.
- (4) No skateboarding allowed anywhere in the park.
- (5) No rollerblading allowed in the Park, blades should be off in the same areas as bikes are walked.
- (6) No foot propelled or motorized scooters allowed within the park area. They must be walked or parked outside the main traffic area.
- (7) Park hours are from dawn until Park Lights go off.
- (8) Fountain hours will fluctuate with the seasons, but turn off no later than 10:00 pm.
- (9) The Outdoor Living Area Television is on from 9:00am to 10:00pm, unless otherwise controlled.
- (10) The Park is a 'self clean' Park; everyone is expected to clean up after themselves.
- (11) Dogs (on leashes) are allowed in the Park, except in the fountain area (County pool regulations) and on the amphitheater seating grass area. Service animals are allowed on the amphitheater seating grass area.
- (12) Appropriate swimwear is required in the fountain area.
- (13) No glass of any kind is allowed in the "Wet Zone" of the fountain.
- (14) Tables along the Park are for people enjoying the Park and/or the Park activities. Chairs should be left at each table, so tables can be used by everyone.

- (15) Dangerous horse play, use of profanity, or disruptive behavior will not be tolerated.
- (16) Disrespect of Staff members will result in immediate expulsion from Park Square for the day. On the second offense, a trespass warning will be given.
- (17) Use of Park Square District owned property requires Fishhawk Community Development District II Board of Supervisors approval. Fees, deposits, insurance requirements and conditions of use will be set and approved by the Board per each request. A formal request of use must be submitted in writing to the office of the District Manager at least ninety (90) days prior to requested dates.

### **PLAYGROUND POLICIES**

- (1) Children under the age of eight (8) must be accompanied by an adult.
- (2) No roughhousing on the playground.
- (3) Persons using the playground must clean up all food, beverages and miscellaneous trash brought to the playground. Glass containers are prohibited.
- (4) The use of profanity or disruptive behavior is absolutely prohibited.
- (5) Alcoholic beverages are not permitted on the playground.
- (6) Inflatable equipment, such as bounce houses, is not permitted at the playground.

### **FISHING AND POND POLICIES**

Only Patrons and their Guests may fish from ponds located within the District. We ask that you respect your fellow landowners and access the ponds through the proper access points. The District operates under a catch and release policy for all fish caught in the ponds. The ponds serve as stormwater management purposes and are not to State Code for keeping or consuming your catch. The purpose of these bodies of water is to help facilitate the District's natural water system for stormwater runoff.

- (1) Fishing is only permitted from dawn until dusk in District owned ponds.
- (2) The District operates under a catch and release policy. Removal of fish for personal keep or consumption is not authorized.
- (3) Spear fishing or the use of Spear Guns, Bow & Arrows, and Firearms are not permitted as acceptable methods to fish.
  - A. Cast Netting is prohibited.
  - B. Removal of hooks and lures from fish should be performed in a manner that gives the fish the best chance of survival. De-Hookers or needle-nose pliers need to be carried by authorized users at all times.
  - C. Circle Hooks are recommended for all live bait fishing.

- D. In events where dangerous wildlife is “caught” by hook or lure, the line(s) should be cut at a safe distance so as to avoid possible bodily injury and harm.
- E. The use of traps is strictly prohibited.
- F. The use of profanity or disruptive behavior will not be tolerated.
- G. All trash or debris must be disposed of in the appropriate receptacles. The philosophy of “If you bring it with you, you must take it with you when you leave” is employed.
- H. Fish are not to be moved from one pond to another.
- I. Authorized Users are not allowed to introduce or stock any of the lakes or ponds.
- J. Authorized Users will be responsible to obtain any permits or licenses that may be required under Florida Law to legally fish. Any monetary penalties or fees incurred by the District as a result of user’s failure to acquire such required permits or licenses will be the liability of the individual determined to be in violation.

**General Polices:**

- 1. Swimming is prohibited in all ponds on District property.
- 2. No watercrafts of any kind are allowed in any of the ponds on District property.
- 3. Parking along the county right of way or on any grassed area near the ponds is prohibited. It is recommended that residents wishing to fish in the ponds walk or ride bicycles.
- 4. Continued violation of this policy will result in the immediate reporting to local law enforcement authorities.
- 5. There is a 20 foot District owned buffer surrounding each pond, residents may fish in the 20 foot buffer during the hours of dawn to dusk. Please be respectful of adjacent resident homes.
- 6. Homeowners whose lot abuts the pond are responsible for mowing, weeding and trash removal to the water’s edge.

**IBIS PARK POLICIES**

- (1) Inflatable play equipment is not permitted.
- (2) The pavilion works on a first come first serve basis. No reservations are required.
- (3) Grills of any kind are not permitted.
- (4) Patrons must take all trash with them when leaving Ibis Park.
- (5) Parking is not available at Ibis Park.
- (6) Park hours are dawn to dusk, Monday thru Sunday.

**FACILITY RENTAL POLICIES**  
**AQUATIC CLUB, HAWK PARK, OSPREY CLUB, AND STARLING CLUB**

Patrons may reserve for rental certain portions of the Amenity Center for private events. Only one (1) room or portion of the facility is available for rental during regular hours of operation and reservations may not be made more than six (6) months prior to the event. Persons interested in doing so should contact the Resident Services Office regarding the anticipated date and time of the event to determine availability. Please note that all the facilities are unavailable for private events on the following holidays:

<i>New Year's Day</i>	<i>Good Friday</i>	<i>Easter Sunday</i>
<i>Friday Preceding Spring Break</i>		<i>Mother's Day</i>
<i>Last Day of School</i>	<i>Memorial Day</i>	<i>Father's Day</i>
<i>Fourth of July</i>	<i>Labor Day</i>	<i>Thanksgiving</i>
<i>Christmas Eve</i>	<i>Christmas Day</i>	<i>New Year's Eve</i>

**The pool and pool deck area of the facilities are not available for private rental and shall remain open to other Patrons and their guests during normal operating hours.**

**The Patron renting any portion of the facility shall be responsible for any and all damage and expenses arising from the event.**

**Reservations:** Patrons interested in reserving a room must submit to the Resident Services Office a completed Facility Rental Application. At the time of approval, the fees associated with the rental **must** be submitted to the Resident Services Office in order to reserve the room. One payment should be in the amount of the room rental fee and the other payment should be in the amount of Two Hundred Dollars (\$200.00) as a deposit. All checks and money orders are made payable to the **Fishhawk CDD, Fishhawk CDD II or Fishhawk CDD III** depending on which District the facility you are renting is located in. The Resident Services Office will review the Facility Rental Application on a case-by-case basis and has the authority to reasonably deny a request. Denial of a request may be appealed to the District's Board of Supervisors for consideration. Reservations for Charity Events must be made at least ninety (90) days in advance of event and are contingent on District Board approval.

**Cancellation Policy:** Cancellation of reservation less than thirty (30) days from Facility Rental Agreement date will result in a loss of rental fee and return of deposit.

**Available Facilities:** The following areas of District are available for private rental (capacity; rental fee established by rule, time frame available) for up to five (5) total hours, including set up and post-event cleanup.

- Aquatic Club, Fifty (50) Person Capacity
  - 12:00 pm to 5:00 pm, \$100.00
  - 6:00 pm to 11:00 pm, \$150.00

- Hawk Park Clubhouse, Thirty (30) Person Capacity
  - 12:00 pm to 5:00 pm, \$50.00
  - 6:00 pm to 11:00 pm, \$100.00
- Osprey Clubhouse, Forty-five (45) Person Capacity
  - 12:00 pm to 5:00 pm, \$75.00
  - 6:00 pm to 11:00 pm, \$125.00
- Osprey Clubhouse and Theater, Forty-five (45) Person Capacity
  - 12:00 pm to 5:00 pm, \$100.00
  - 6:00 pm to 11:00 pm, \$175.00
- **(Opening 2012) Starling Clubhouse**, Forty-five (45) Person Capacity
  - 12:00 pm to 5:00 pm, \$75.00
  - 6:00 pm to 11:00 pm, \$125.00

**Staffing:** One (1) staff person is required to work during the five (5) hour Facility Rental. Should alcohol be added to the Facility Rental, an additional staff person is required by the District to work, as such, an additional one hundred dollar (\$100.00) rental fee will be added to the total amount owed.

**Deposit:** As stated previously, deposit in the amount of Two Hundred Dollars (\$200.00) is required by the time the reservation is approved. To receive a full refund of the deposit, the following must be completed:

1. Ensure you are present for the duration of the rental.
2. Ensure that all garbage is removed and placed in the dumpster.
3. Remove all displays, favors or remnants of the event.
4. Restore the furniture and other items to their original position.
5. Wipe off counters, table tops, chairs and sink area.
6. Replace garbage liner.
7. Clean out and wipe down the refrigerator, microwave, oven, and all cabinets and appliances used.
8. Clean any windows, doors, and mirrors in the rented room.
9. Sweep and mop floor.
10. Ensure that no damage has occurred to the Amenity Center and its property.

**General Policies:**

1. Facility & room maximum capacity limits must be observed at all times and will be strictly enforced. District staff reserves the right to take all necessary actions to comply with this requirement. Examples of these actions are, but are not limited to:
  - A. Event Cancellation & Closure
  - B. Access Restrictions
  - C. Parking Enforcement & Towing

The Rental Lease Holder will be responsible for any and all monetary citations and fines that may be received by the District for such a violation.

2. Rooms may be rented outside of the regular hours of operation of the facility. Please contact the Resident Services Office for details relating to additional rental cost, staffing cost/availability, and facility availability. Please note: All Facility Rental Policies remain in force for these special circumstances and the District has final say in these matters.
3. Rental fees and deposits may be increased, not more than once per year, by action of the Board of Supervisors, to reflect increased costs of operation of the amenity facilities; such increase may not exceed ten percent (10%) per year.
4. The volume of live or recorded music must not violate applicable Hillsborough County Noise Ordinances.
5. Additional liability insurance coverage may be required for all events that are approved to serve alcoholic beverages. This policy also pertains to certain events the District feels should require additional liability coverage on a case by case basis to be reviewed by the District Manager or Board of Supervisors. The Districts are to be named on these policies as an additional insured party.

### **INDEMNIFICATION**

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.

### **SUSPENSION AND TERMINATION OF ADULT PRIVILEGES**

- (1) Privileges at the amenity facilities can be subject to suspension or termination by the Board of Supervisors if a Patron:
  - A. Submits false information on the application for an access card.
  - B. Permits unauthorized use of an access card.
  - C. Exhibits unsatisfactory behavior or appearance.
  - D. Fails to abide by the Rules and Policies established for the use of facilities.
  - E. Treats the personnel or employees of the facilities in an unreasonable or abusive manner. Examples include, but are not limited to the use of profanity, verbal and physical assault.
  - F. Engages in conduct that is improper or likely to endanger the welfare, safety or reputation of the facility or Staff.
- (2) Management may at any time restrict or suspend any Patron's privileges to use any or all the amenity facilities when such action is necessary to protect the health, safety and welfare of other Patrons and their guests, or to protect the District's facilities from damage.
- (3) The District shall follow the process below in regards to Suspension or Termination of an Adult Patrons privileges:

- A. First Offense - A First Offense Violation will result in written notice & explanation of the violation being given to Patron and a copy of such notice being filed in the Resident Services Office.
- B. Second Offense – A Second Offense Violation will result in an Automatic suspension of all amenity privileges for thirty (30) days. Written notice & explanation will be given to Patron and a copy of such notice will be filed in the Resident Services Office.
- C. Third Offense – A Third Offense Violation will result in a suspension of all amenity privileges until the next Board of Supervisors Meeting. At the Board meeting, a record of all previous offenses will be presented to the Board for recommendation of termination of Patrons privileges for one (1) calendar year (or some shorter amount of time at the Board’s discretion). Written notice will be given to Patron as to the Board of Supervisors decision.

(4) **IMMEDIATE SUSPENSION & REMOVAL:** The Board Chair, District Manager, Community Director, and Tennis Club Manager have the exclusive right, authority and discretion to suspend any Adult Patron for the use of profanity and failure to follow staff direction for a period of no less than seven (7) days. An incident report will be generated and a copy of such notice will be filed in the Resident Services Office. Upon issue of an immediate suspension, should patron continue to act or perform in an inappropriate manner/behavior, that Adult Patron shall forfeit all amenity privileges until the next Board of Supervisors meeting. Furthermore, District Staff will recommend termination of Adult Patron’s privileges for a period of six (6) months.

(5) Notwithstanding the foregoing, if at any time an Adult Patron is arrested for an act committed, or allegedly committed, while at any District Facility, that Adult Patron shall have all amenity privileges suspended until the next Board of Supervisors meeting. At the Board meeting, the Board will be presented with the facts surrounding the arrest and a recommendation of termination of Adult Patron’s privileges for up to one (1) calendar year (or some shorter amount of time at the Board’s discretion). Written notice will be given to Adult Patron as to the Board of Supervisors decision.

(6) Utilizing the facilities during the suspension period will result in a trespassing citation issued by the Hillsborough County Sheriff’s Office. Furthermore attendance as a guest will also be prohibited during such time. Attempts made to gain access to the facilities using another person’s access card will result in the suspension of that card holder’s privileges for a period of fifteen (15) days.

(7) Suspension Effective Date.

- A. The Effective Date for amenity privilege suspension will be from the date of the written notice of suspension.
- B. Weekdays (Monday – Friday) and Weekends (Saturday – Sunday) will be calculated toward the total number of suspension days.

- C. The Effective Date for the amenity privilege suspension will be stayed if the party subject to suspension files a notice of appeal of such suspension, in writing, to the District Management Office within 5 business days of the date of the written notice.

(8) Appeal Process – Adult Patrons.

- A. Any person has the right to dispute and request an appeal to the District’s Board of Supervisors.

- 1. A notice of appeal must be submitted in writing to the District Management Office within five (5) business days of the date of the written notice for placement on the next regularly scheduled District meeting agenda.
- 2. Such notice of appeal shall outline all facts and support documentation that constitutes the basis of appeal.
- 3. The District Management Office must be in receipt of such appeal no fewer than five (5) business days prior to the next regularly scheduled District meeting or such appeal will be heard at the next subsequent scheduled District meeting.

- B. Any person appealing will be governed by the following procedures:

- 1. Appellant must be physically present or represented by counsel at meeting in which the appeal will be heard by the Board of Supervisors.
  - a) Failure of attendance will result in dismissal of appeal with no resubmission on future District agenda docket.
- 2. Appellant’s argument & basis for appeal will be limited to five (5) minutes per account unless otherwise expanded by the Board of Supervisors.
- 3. The District Board of Supervisors and District Staff may question the appellant on any matter relevant to the appeal.
- 4. The District Board of Supervisors and District Staff may present testimony or documentary evidence on any matter, from any source, relevant to the appeal.
- 5. Appellant must furnish sufficient copies (8) of any documentation to present to the Board of Supervisors supplementing the argument and basis for the appeal (if applicable).

- C. The District’s Board of Supervisors reserves the right to grant or deny any appeal at their sole and absolute discretion.

- 1. District action(s) will be resolved by way of successful Board motion.
- 2. Upon Board action on an appeal, no subsequent appeal will be given or heard for the same offense.

## SUSPENSION AND TERMINATION OF MINOR PRIVILEGES

- (1) At the discretion of Amenity Facilities Staff, Minors (*children under the age of eighteen (18)*), who violate the rules and policies may be expelled from the facilities for one (1) day. Upon such expulsion, a written report shall be prepared detailing the name of the child, the prohibited act committed and the date. This report will be kept on file at the Resident Services Office.
- (2) Any Minor who is expelled from the facilities three (3) times in a one year period, shall have their amenity facilities privileges suspended for one (1) calendar year from the date of the third offense.
- (3) Notwithstanding the foregoing, at any time a Minor is arrested for an act committed, or allegedly committed, while at any District Facility, that minor shall have all amenity privileges suspended until the next Board of Supervisors meeting. At the Board meeting, the Board will be presented with the facts surrounding the arrest and a recommendation of termination of minor's privileges for up to one (1) calendar year (or some shorter amount of time at the Board's discretion). Written notice will be given to known minor's guardian(s) as to the Board of Supervisors decision.
- (4) Utilizing the facilities during the suspension period will result in a trespassing citation issued by the Hillsborough County Sheriff's Office. Furthermore attendance as a guest will also be prohibited during such time. Attempts made to gain access to the facilities using another person's access card will result in the suspension of that card holder's privileges for a period of fifteen (15) days.
- (5) Suspension Effective Date.
  - A. The Effective Date for amenity privilege suspension will be from the date of the written notice of suspension.
  - B. Weekdays (Monday – Friday) and Weekends (Saturday – Sundays) will be calculated toward the total number of suspension days.
  - C. The Effective Date for the amenity privilege suspension will be stayed if the party subject to suspension files a notice of appeal of such suspension, in writing, to the District Management Office within 5 business days of the date of the written notice.
- (6) Appeal Process – Minor Patrons.
  - A. Any minor has the right to dispute and request an appeal to the District's Board of Supervisors.
    1. A notice of appeal must be submitted in writing to the District Management Office within five (5) business days of the date of the written notice for placement on the next regularly scheduled District meeting agenda.

2. Such notice of appeal shall outline all facts and support documentation that constitutes the basis of appeal.
  3. The District Management Office must be in receipt of such appeal no fewer than five (5) business days prior to the next regularly scheduled District meeting or such appeal will be heard at the next subsequent scheduled District meeting.
- B. Any minor appealing will be governed by the following procedures:
1. Minor Appellant and at least one parent or guardian must be physically present or represented by counsel at meeting in which the appeal will be heard by the Board of Supervisors.
  2. Failure of attendance will result in dismissal of appeal with no resubmission on future District agenda docket.
  3. Appellant's argument & basis for appeal will be limited to five (5) minutes per account unless otherwise expanded by the Board of Supervisors.
  4. The District Board of Supervisors and District Staff may question the appellant on any matter relevant to the appeal.
  5. The District Board of Supervisors and District Staff may present testimony or documentary evidence on any matter, from any source, relevant to the appeal.
  6. Appellant must furnish sufficient copies (8) of any documentation to present to the Board of Supervisors supplementing the argument and basis for the appeal (if applicable).
- C. The District's Board of Supervisors reserves the right to grant or deny any appeal at their sole and absolute discretion.
1. District action(s) will be resolved by way of successful Board motion.
  2. Upon Board action on an appeal, no subsequent appeal will be given or heard for the same offense.

### **INDEMNIFICATION**

Each organization, group or individual reserving the use of CDD facilities agrees to indemnify and hold harmless the Fishhawk Community Development District, Fishhawk Community Development District II and III ("District") and the amenity management firm, and the respective officers, agents and employees of each, from any and all liability, claims, actions, suits or demands by and 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 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 768.28, Florida Statutes.

The District and its agent, employees and officers shall not be liable for, and the Resident or Non-Resident Club Member user shall releases all claims for injury or damage to or loss of personal property or to the person, sustained by the user or any person claiming through the user resulting from any fire, accident, occurrence, theft or condition in or upon the District's lands, premises and/or facilities.

### **NATURAL BUFFER AREAS POLICY STATEMENT**

The following is the policy statement of the District as it regards the natural tree protection, wetland and upland buffer areas that are scattered in large numbers throughout the Community. The policy statement is consistent with the policies of other governments including Hillsborough County, and Southwest Florida Water Management District (SWFWMD) as it regards their natural, conservation tree protection and wetland conservation/preservation areas:

The natural areas are not intended to be maintained. These areas are to be left untouched to allow for nature to take its normal course. Vegetation that dies including, but not limited to trees are left to fulfill their role in nature's process.

Trees, within or immediately adjacent to these areas, that have died and appear to pose a threat of falling and damaging an abutting property owner's property may be addressed by the abutting property owner after securing permission to remedy the situation from the CDD and all required permits from all authorities having jurisdiction including Hillsborough County, and SWFWMD. Such abutting property owner must initially contact the CDD for permission to address the removal or remediation of the threatening situation and shall then be responsible for any needed permitting or review by Hillsborough County, and SWFWMD. Permitted trimming and/or removal, where warranted, shall be done at the expense of the abutting property owner. The goal is to minimize disturbance to these areas.

In the event that a tree does fall onto another's property, that property owner has the right to cut back or limb the tree as necessary to their individual property line. The rest of the tree is to be left as is. This would also pertain to normal maintenance, which would allow an owner to trim back any encroaching vegetation to their property line. No one is allowed to encroach into the natural areas for any reason, from maintenance to placement of personal property of any kind.

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### **RULES AND RATES ADOPTION PROCESS SUMMARY**

The Rules and Rates for all Amenity Facilities were originally adopted at a noticed Public Hearing by the Board of Supervisors for the Fishhawk Community Development District per Resolution 2009-04, and Fishhawk Community Development District II per Resolution 2009-06 on March 16, 2009. They were then adopted by Fishhawk Community Development District III per Resolution 2011-06 on March 15, 2011.

The above Rules and Rates have been revised over time and were most recently amended by Fishhawk Community Development District, Fishhawk Community Development District II and Fishhawk Community Development District III on **January 16, 2012** at duly noticed public meetings.

Attest: **FISHHAWK COMMUNITY  
DEVELOPMENT DISTRICT**

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

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

Attest: **FISHHAWK COMMUNITY  
DEVELOPMENT DISTRICT II**

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

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

Attest: **FISHHAWK COMMUNITY  
DEVELOPMENT DISTRICT III**

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

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