

Aquarina Community Services Association, Inc.



Rules, Regulations, Policies



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Document Overview

This document is a compilation of the Rules, Regulations, and Policies of Aquarina Community Services Association, Inc. These policies and guidelines will be enforced in concert with all other policies outlined in the Declaration of Covenants and Restrictions, and pursuant amendments indicated below.

Per Section 10.2 of the Declaration of Covenants & Restrictions (CCRs) “No person shall use the Common Properties or any part of them in any manner contrary to the rules and regulations adopted by the Board under the Bylaws.”

In relation to the forms included with this document, for private use of the Beach Club and/or the Community Center, the Declaration of Covenants & Restrictions Section 6.2 (d) permits the Board to establish rules and regulations governing the use of the Common Properties, and to charge reasonable admission and other fees for the use of any recreational facility situated on them.

Each Board Enacted Rule will be described as such and may be modified by Board vote. Policies in this document which was originally cited in the Declaration of Covenants & Restrictions will be described as such and may only be amended by a majority vote of the voting interest.

Definitions

- (a) "Homeowner" is an owner/member who resides inside the Aquarina Community Services Association, Inc. including, unless the context indicates otherwise, all individuals in the immediate family who reside in the home. The terms "Member" and "Owner" may be used interchangeably.
- (b) "Resident" is a Lessee, or other person who does not own the home but has the right to occupy it temporarily (without the presence of the Owner). Members of the immediate family of such Resident who resides in the home are regarded as Residents.
- (c) "Guest" is an individual who is invited by an Owner or a Resident to visit his/her home. Guest must have resident key, or be accompanied by the Owner in order to use or access the Aquarina facilities.

**Aquarina Community Services Association, Inc.
Recorded Governing Documents**

Document Title	Official Record Book	Page	Date Recorded
Declaration of Covenants, Conditions, and Restrictions	2434	1145	06/08/1983
Articles of Incorporation	2434	1190	06/08/1983
Bylaws	2434	1198	06/08/1983
1 st Amendment to the Declaration	2538	1312	08/30/1984
1 st Supplement to the Declaration	2538	1316	08/30/1984
2 nd Amendment & Supplement to the Declaration	2704	1553	06/12/1986
3 rd Amendment & Supplement to the Declaration	3160	1509	11/08/1991
4 th Amendment & Supplement to the Declaration	3298	2217	06/16/1993
5 th Amendment & Supplement to the Declaration	3449	0264	01/18/1995
6 th Amendment & Supplement to the Declaration	4276	0458	01/18/2001
7 th Supplement to the Declaration	4433	3113	10/04/2001
8 th Amendment & Supplement to the Declaration	5701	8307	09/27/2006
Amendment to the Declaration & Bylaws	5722	2294	11/21/2006
Corrective Amendment to the Declaration & Bylaws	5759	7982	03/19/2007
Amendment to the Declaration & Articles	5923	0131	04/02/2009
Amendment to the Declaration, Articles, & Bylaws	5928	2699	04/10/2009
Amendment to the Declaration	6097	2901	01/15/2010
Amendment to the Declaration, Articles, & Bylaws	6156	1362	04/29/2010
Amendment to the Bylaws	6347	0851	03/10/2011
Amendment to the Declaration & Articles	7502	2556	12/01/2015
Preservation of CCR's	7533	0943	01/20/2016
Amendment to the Declaration	8433	2028	05/08/2019
Corrective Amendment to the Declaration	8573	2063	10/28/2019
Re-Recorded Corrective Amendment to the Declaration	8575	0052	10/29/2019

The governing Documents listed above, including all Amendments thereto, are available to all members, and may be accessed at the Association's community websites: <https://aquarina.connectresident.com> or www.aquarinabeachandcountryclub.com.

“OR BK” refers to the Official Records Books of Brevard County, Florida

This list may not be current. Recorded documents may be obtained from the association or the Brevard County Clerk's Office Official Records.

Alligator Management
This is a Board enacted policy

- If the situation is or may be a potential emergency – Call 911
- In the event an alligator located on ACSA property becomes a perceived danger, a request to call the appropriate animal control agency (“Vendor”) should be made to the CAM
- “Generally, an alligator may be considered a nuisance if it is a least four feet in length and is believed to pose a threat to people, pets or property” Florida Wildlife Control
- If the request is received by Management, a Director will be notified to determine if further action will be taken and notify the CAM with a course of action.
- Eligible Vendors must be obtained through the State of Florida’s Nuisance Alligator Hotline at 866-FWC-Gator or 1-866-392-4286
- If the request is dispatched to a Vendor, a Director, the CAM, or Aquarina designate will meet the Vendor at the gate or a predetermined location.
- The Director, CAM, or designate will verify the required permit and scope for the requested work with the Vendor
- The Director, CAM or designate will accompany the Vendor to verify work performed is within the scope of the permit
- The Vendor will be escorted from the property upon conclusion of permitted work
- As part of this process, appropriate notification and actions will be communicated to Homeowner/resident/guest

Please refer to the following FWC website for detailed information about living with Alligators:
<https://myfwc.com/wildlifehabitats/wildlife/alligator/snap/>

Architectural Control
Declaration of Covenants & Restrictions, Section 16

16. Architectural Control

16.1 Composition. The Architectural Committee shall consist of 3 members, who initially shall be persons designated by the Developer. Each of those persons shall hold office until all Residential Units planned to be constructed on the Aquarina Land have been constructed and conveyed (or sooner at the Developer’s option) unless the Developer removes him and replaces him with a new appointee before that time. Thereafter, each new member of the Architectural Committee shall be appointed by the Board of Directors and shall hold office until such time as he resigns or is removed, as provided herein. Members of the Architectural Committee appointed by the Board may be removed by the Board at any time without cause.

16.2 Review of Proposed Construction. Subject to paragraph 16.9, no Improvement (including landscaping) shall be erected or installed on the Properties, no Improvement shall be painted or otherwise modified, and no screening, canopy, shutters, solar heating equipment or other appurtenance shall be attached to or placed upon the exterior of an Improvement containing one or more Residential Units, unless and until, in any such case, the plans and specifications showing the nature, kind, shape, height, materials and location of the proposed work have been submitted to, and approved in writing by, the Architectural Committee. The Architectural Committee shall approve proposals or plans and specifications submitted for its approval only if it considers that the construction, alterations or additions contemplated thereby in the locations indicated will not be detrimental to the appearance of the surrounding area or the Properties as a whole, and that the appearance of any structure affected thereby

will be in harmony with the surrounding structures and is otherwise desirable. The Architectural Committee may condition its approval of proposals and plans and specifications as it deems appropriate, and may require submission of additional plans and specifications or other information prior to approving or disapproving material submitted. The Architectural Committee may also issue rules or guidelines setting forth procedures for the submission of plans for approval. The Architectural Committee may require such detail in plans and specifications submitted for its review as it considers proper, including, without limitation, floor plans, site plans, drainage plans, elevation drawings and descriptions or samples of exterior materials and colors. Until receipt by it of required plans and specifications, the Architectural Committee may postpone review of any proposal submitted for approval. The Architectural Committee shall have 30 days after delivery 36 of all required materials to approve or reject any such plans, and a proposal that is not rejected within such 30-day period, shall be deemed approved. Notwithstanding any provision in this paragraph 16 to the contrary, the approval of the Architectural Committee shall not be required for any additions, changes or alterations to an Improvement, if the additions, changes or alterations (as the case may be) are not visible from outside the Improvement, or if, in the case of painting (or the like), the color and quality thereof is substantially the same as those of the Improvement as it originally existed.

16.3 Meetings of the Architectural Committee. The Architectural Committee shall meet from time to time as necessary to perform its duties hereunder. The Architectural Committee may from time to time, by resolution unanimously adopted in writing, designate a representative (who may, but need not, be one or its members) to take any action or perform any duties for and on behalf of the Architectural Committee, except the granting of variances pursuant to paragraph 16.2 hereof. In the absence of such a designation, the vote of any 2 members of the Architectural Committee shall constitute an act of the Architectural Committee.

16.4 No Waiver of Future Approvals. The approval of the Architectural Committee of any proposals or plans and specifications or drawings for any work done or proposed, or in connection with any other matter requiring the approval and consent of the Architectural Committee, shall not be deemed to constitute a waiver of any right to withhold approval or consent as to any similar proposals, plans and specifications, drawings or matters subsequently or additionally submitted for approval or consent.

16.5 Compensation of Members. The members of the Architectural Committee shall receive no compensation for services rendered, other than reimbursement for expenses incurred by them in the performance of their duties hereunder.

16.6 Inspection of Work. The inspection of work and correction of defects therein shall proceed as follows:

(a) Notice of Completion. Upon the completion of any work for which approved plans are required under this paragraph 16 hereof, the applicant (who may be an Owner or an appropriate Cluster Association) for such approval (“the Applicant”) shall give the Architectural Committee written notice of the completion.

(b) Inspection. Within 60 days thereafter, the Architectural Committee or its authorized representative may inspect the work. If the Architectural Committee finds that the work was not done in substantial compliance with the approved plans, it shall notify the Applicant in writing of the noncompliance within 60 days, specifying the particulars of noncompliance. 37

(c) Non-Compliance. Any applicant who receives notice of a non-compliance as provided in paragraph 16.6 hereof shall remedy the non-compliance within 30 days of being notified, and, if he fails to, the Architectural Committee shall notify the Board in writing of the failure. Upon Notice of Hearing, the Board shall determine whether there is a non-compliance and, if so, its nature and the estimated cost of correcting or removing it. If a non-compliance exists, the Applicant shall remedy or

remove it within a period of 45 days from the date of the announcement of the Board's ruling. If the applicant does not comply with the Board's ruling within that period, the Board, at its option, may either remove the non-complying Improvement or remedy the non-compliance, and in either case the Applicant shall reimburse the Association, upon demand, for all expenses incurred in connection with the Board's action. If the Applicant fails to promptly reimburse the Association its expenses, the Board shall levy a special assessment against the Applicant for reimbursement. In the event the Applicant is a Cluster Association, the special assessment shall be levied against all Parcels whose Owners are members of that Cluster Association in proportion to their respective shares of the Cluster Association's common expenses.

(d) Effect of Committee's Failure to Notify Applicant. If for any reason the Architectural Committee fails to notify the Applicant of any non-compliance within 45 days after receipt of his written notice of completion, the Improvements shall be deemed to be in accordance with the Plans approved by the Architectural Committee.

16.7 Failure to Apply. If any work is performed in violation of the first sentence of paragraph 16.2 hereof, the Association shall have (in addition to whatever remedies it may have under paragraph 20.4 hereof) the same remedies it would have under paragraph 16.6(c) hereof had the Board determined the work to have resulted in a non-compliance.

16.8 Non-Liability of Committee Members. Neither the Architectural Committee, any of its members, nor its authorized representative, shall be liable to the Association, any Cluster Association, any Owner or any other person or entity for any loss, damage or injury arising out of or in any way connected with the performance of the Architectural Committee's duties hereunder, unless the loss, damage or injury is due to the willful misconduct or bad faith of one of its members (in which case only the culpable member shall have any liability). The Architectural Committee shall review and approve or disapprove all plans submitted to it for any proposed Improvement, alteration or addition solely on the basis of aesthetic considerations and the overall benefit or detriment which would result to the immediate vicinity and to the overall community created or planned to be created on the Aquarina Lands. The Architectural Committee shall take into consideration the aesthetic aspects of the architectural designs, the extent 38 of its visual impact on the rest of the Aquarina community, the placement of buildings, landscaping, color schemes, exterior finishes and materials and similar features. It shall not, however, be responsible for reviewing any plan or design from the standpoint of structural safety or conformance with building or other codes.

16.9 Variances. The Architectural Committee may authorize a variance from compliance with any of the architectural provisions of this Declaration when circumstances such as topography, natural obstructions, hardship, aesthetic or environmental considerations dictate a variance. Any such variance must be evidenced in a writing signed by at least 2 members of the Architectural Committee. No violation of the Covenants and Restrictions shall be deemed to have occurred with respect to a matter for which the variance was granted. The granting of such a variance shall not, however, operate to waive any of the Covenants and Restrictions for any purpose except as to the particular property and particular provisions hereof covered by the variance, nor shall it affect in any way the Owner's obligation to comply with all governmental laws and regulations affecting his use of the premises, including, but not limited to, zoning ordinances and set-back lines or requirements imposed by any governmental or municipal authority.

16.10 Exemptions. The provisions of this paragraph 16 shall be completely inapplicable to the Developer and all Participating Builders and to any and all construction, alterations, additions or other work planned or performed by the Developer, the Developer's Permittees, any Participating Builder or other Participating Builder's Permittees (provided, however, that the foregoing shall not be construed to bar the Developer from imposing restrictions or requirements on Participating Builders and their Permittees apart from this Declaration).

Architectural Review Policies

This is a Board enacted policy

No Owner/Member or resident is permitted to make alterations or modifications to the structures or other common property of the master association. The master association common property includes lakes/ponds; crossover bridges; all recreational facilities, structures, landscaping and other items within the vicinity of these facilities.

Exterior modification to units are subject to the guidelines outlined in the governing documents of each sub community. Owners/Members *must* first follow the subcommunity's Architectural Review Committee (ARC) procedures and then submit for final approval to the Master Association's ARC.

Modifications to roofs, Sub community monuments and signs, building exterior paint, and landscaping must be submitted to the Master Association for review and approval by the Master ARC. Such review and approval will be conducted according the policy outlined in Section 16.2 of the Association's governing documents.

ARC Standards:

Modification of the following items may not deviate from the original outline or standards used by the builder of the units located within each sub community.

Exterior Paint – Paint color must match, as closely as possible, the color originally used on the unit as it was when purchased from the builder or seller.

Screening – Must match as closely as possible, that which originally exists throughout the sub community and is subject to the standards outlined in the sub community's governing documents.

Canopies – May be installed only if permitted by the sub community's governing documents, and must match as closely as possible, that which originally exists throughout the sub community and is subject to the standards outlined in the sub community's governing documents.

Shutters - May be installed only if permitted by the sub community's governing documents, and must match as closely as possible, that which originally exists throughout the sub community and is subject to the standards outlined in the sub community's governing documents.

Solar Heating Equipment - May be installed only if permitted by the sub community's governing documents, and must match as closely as possible, that which originally exists throughout the sub community and is subject to the standards outlined in the sub community's governing documents.

Beach Club Parking Rules

Board Enacted Policy

All Vehicles or Golf Carts parked at the Beach Club should bear the Aquarina Parking Sticker, which may be obtained at a cost of \$3.00 each from the Community Association Manager at the Administration Building or a parking permit displayed on the drivers side of the dashboard. Vehicles or Golf carts not bearing one of these will be in violation.

Procedures for Correction of Parking Violation:

A Parking Violation sticker will be placed on the vehicle. If a sticker is not observed the following procedures will be followed.

1. Owner will receive a Notice of Violation with request to correct the violation.
2. Non-compliant vehicles and Golf Carts are subject to towing. Resident will additionally be subject to a fine of \$25 for the first offense and \$50 for subsequent violations. Each day that the violation persists shall constitute a separate violation.
3. Fines are due and payable within 30 days of the date they are assessed. Unless appealed per Florida HOA statues, fines not paid by that date will subject to the same collection policies utilized for delinquent assessments, which includes late fees and interest charges.
4. Vehicles that cannot be identified or traced to an owner or resident of the community will be towed at the owner's expense.
5. Safety & Security Committee will perform enforcement of parking violations as authorized by the ACSA Board of Directors.

Beach Club Use & Policies

This is a Board Enacted Policy

- **Hours of Operation:** 6 a.m. To 11 p.m. (Daily, Except NEW YEARS EVE.)
- **Occupancy Limit:** No more guests are allowed at any function than the fire code permits. Occupancy limit set by the fire code is as follows:

There may only be a maximum of 66 maximum persons inside the upper floor at any time

A maximum of 52 persons on the Beach Club deck at any time, for a combined total of 118 maximum persons in that entire upstairs area at any one time.

- **Primary Use:** The Beach Club and Beach Club Deck are primarily intended for the exclusive use of Members and Guests of Aquarina Community Service Association. It may be reserved for private events by contacting the Community Association Manager.
- **Entry Control for All Doors:** Access may be gained by the use of a magnetic card. Members should contact the onsite Community Association Manager (CAM) with questions regarding access cards.
- **Guest Admission Regulations:** Guests may only be admitted when accompanied by an Owner/Resident of ACSA.
- **Unaccompanied Minors:** Minor children under the age of 16 years old must be accompanied by an adult Owner/resident.
- **Cleanliness & Damages:** Homeowner/resident/guest are expected to clean up and remove all trash prior to exiting the Beach Club and/or Deck by 10:00 am the following day. Homeowner/resident/guest are individually responsible for damages caused by themselves or their guest(s) after hosting private events.
- **Pets:** No pets, other than service animals, are allowed inside the building or upon the Beach Club deck.
- **Proper Dress & Decorum:** Shoes and shirts must be worn inside Beach Club upper level. NO WET BATHING SUITS are permitted inside the Beach Club upper level.
- **Use of Alcohol in the Building & on the Deck:** The use of alcohol inside the building or on deck is permitted for persons of legal drinking age on a "bring your own" basis.
- **No Smoking inside the Beach Club.**
- **Vehicles:** The Beach Club parking lot is only to be used by Aquarina Homeowner/residents and their guests. All vehicles left in the parking lot **MUST** bear an Aquarina decal, or a temporary Aquarina Guest Tag. Both may be obtained from the Community Association Manager's office located at 235 Hammock Shore Drive. No tractors, trailers, boats, motorhomes, large trucks, commercial vehicles, RV's, buses and disabled or unregistered vehicles may be parked on the site; and no vehicles may be left parked in the parking lot for extended periods beyond the period the vehicle owner is using the Beach Club or visiting the beach. **Motorized & Non-motorized:** Roller

blades, skateboards, and similar devices may not be brought into nor used inside nor on the Beach Club property. All bicycles shall be parked in the bike rack. The entranceway must be kept clear per Fire Department regulations.

- **Bar & Kitchen Access:** Bar refrigerator and microwave are accessible to Homeowner/resident/guest and guests.
- USE OF THE OVEN IS RESTRICTED WITHOUT PRIOR WRITTEN AUTHORIZATION.
- Private Events: the Beach Club maybe rented for private events (events not open to the entire Aquarina Community) at rates set by the Board of Directors from time to time. The rental agreement, rules and rates are available through the Community Manager. The Beach Club is not available for rental on major holidays (Christmas, New Years, Easter, Memorial Day, 4th of July, Labor Day and Thanksgiving).

Children

Declaration of Covenants & Restrictions Section 10.5

Children must observe the rules and regulations adopted by the Association for the use of the Common Properties to the same extent adults and Owners must.

Collection Policy

This is a Board enacted policy

At the January 24, 2017 ACSA Board Meeting, the ACSA Board of Directors voted unanimously to establish a standard Collection Policy for Owners late in paying Quarterly or Special Assessments.

ACSA Delinquency Policy:

1. 20 Day Grace Period Per ACSA Documents
2. Day 21 - FirstService Residential issues a Reminder Notice that carries a \$5.00, plus \$25.00 late fee - both will be assessed to the owner.
3. Day 50 - FirstService Residential issues a Demand letter that carries a \$25.00 charge to the owner. In addition, Interest begins to accrue on the account retroactive to the 1st day the payment was due.
4. Day 55 - FirstService Residential emails the owner to advise the account is about to go to collections unless payment is received within 5 days.
5. Day 60 - Turn the delinquent file over to the ACSA Attorney for collections.
6. Day 65 - The ACSA Attorney issues the 45 day Statutory Pre-Lien Letter.
7. Day 79 - If there is still no payment, Lien is officially recorded and the ACSA Attorney issues the 45 day Statutory Pre-Foreclosure Letter.
8. Day 110 - The ACSA starts foreclosure.

Waiver of Late Fee Payments:

There are only three reasons that waivers are granted:

1. We caused the problem, for example, we were late in getting payments books out, we were late in notification of special assessments, etc.
2. The owner is incapacitated or unable to make the payment, for example non-discretionary hospitalization, death, or an act of God such as forced evacuation from a hurricane.
3. A single payment is late and the owner's record is otherwise pristine, i.e., it is a first offence.

The owner must initiate the process through a waiver request. Only the initial fine is waived and subsequent fines, interest and other costs are not. Waived fees do not affect the collection process clock, i.e., the clock does not reset because the fee is waived. Also note that any and all legal fees incurred in connection with the collection of passed do Dues, Assessments, Interest and Fines will be billed to the offending owner.

Common Area Parking and Towing Policy

This is a Board enacted policy

Homeowner/resident/guest may park vehicles they own as well as guest vehicles only in the areas designated by your sub community within your sub community. Vehicles left parked for overnight or extended periods of time, in any common area parking lot or streets without prior written authorization by the ACSA Board of Directors will be considered to be a parking violation.

Common Area Parking Lots include the parking lot adjacent to the Administration Building located on Hammock Shore Drive, the Beach Club parking lot located at 7495 A1A, the Community Center parking lot located at 450 Aquarina Blvd, and The Brassie Parking Lot.

Administration Building Parking Lot: ACSA Board agreed to allow Homeowner/resident/guest of The Hammocks use of up to 4 spaces for visitor parking until such time as this lot is fully utilized for visitors to the Administration Building. This decision was not intended to facilitate long term parking.

Approved Parking Periods:

Approved Parking Periods are those during which the resident is present at the common area facility; periods during which the resident is using the common area facility; periods after which the resident has submitted a request to the ACSA Board of Directors and has received written authorization to leave said vehicle in the afore-mentioned common area parking lot for approved period. Request for authorization should be submitted in writing to the Community Association Manager within a minimum of 48 hours prior to when the exception is needed.

Extended Parking Periods:

Extended parking periods are periods that extend above and beyond the time while a resident is visiting or utilizing the common facility – Community Center, Beach Club or Administrative Building.

Procedures for Correction of Parking Violation:

A Parking Violation sticker will be placed on the vehicle. If a sticker is not observed the following procedures will be followed.

6. Owner will receive a Notice of Violation with request to correct the violation.
7. Non-compliant vehicle and Golf Cart are subject to towing. Resident will additionally be subject to a fine of \$25 for the first offense and \$59 for subsequent violations.
8. Fines are due and payable within 30 days of the date they are assessed. Unless appealed per Florida HOA statutes, fines not paid by that date will subject to the same collection policies utilized for delinquent assessments, which includes late fees and interest charges.
9. Safety & Security Committee will perform enforcement of parking violations as authorized by the ACSA Board of Directors.

Community Center Use & Policies

Board Enacted Policy

- **Hours of Operation:** The Aquarina Community Center and its facilities shall be open on the days and during the hours established from time to time by the Aquarina Community Board of Directors. The Aquarina Community Board of Directors shall be responsible for making all security and maintenance arrangements for the Aquarina Community Center. **Furniture and equipment** may not be removed without the express permission of the Association.
- **USE OF THE AQUARINA COMMUNITY CENTER SHALL BE ONLY BY OWNERS, RESIDENTS AND GUESTS, SUBJECT TO THE FOLLOWING:**

- **Admission to the Community Center:** All homeowners, residents and guests using the Aquarina Community Center may access the facility with the use of an access card provided by the association or the TAP2OPEN Application. Card will be issued only to Owners or residents whose names appear in the association's records. Initially, two access cards per homeowner were issued to each household at no charge. Additional cards may be purchased from the Association at a cost of \$15.00 per card. Cards will be programmed for access during hours of operation only.
- **Guest Admission:** Non-homeowner guests may use the Aquarina Community Center only as Guests of a homeowner. Guests under age 18 must be accompanied by their homeowner/resident-host while in the Aquarina Community Center. The homeowner inviting a Guest is responsible for informing the Guest of any risks involved in the Guest's use of the facilities, and shall indemnify and hold the Association harmless against any claims that the Guest may bring against the Association arising from use of the facilities.
- **Pets:** With the exception of medically prescribed companion animals, no animals are allowed inside the Aquarina Community Center premises.
- **Community Center Advertising:** Commercial or political advertisements may not be posted nor circulated in the Aquarina Community Center. No business of any kind shall be solicited or conducted on the Aquarina Community Center premises without the prior authorization of the Aquarina Community Board of Directors.
- **Non-Owner Tennis Member Access:** The access of non-homeowner tennis members is limited to access of the tennis clubhouse, restrooms, shower and sauna.
- **Locker Rooms:** The Association shall not be liable for loss of any items in the locker rooms. While using a locker, a personal lock may be used. Use of lockers is on a first-come, first-served basis. ACSA reserves the right at all times to terminate a person's use of a locker.
- **No Smoking:** Smoking is not permitted in the Aquarina Community Center.
- **Clothing/Attire:** Shirts and shoes must be worn inside the Aquarina Community Center. Swimwear attire is not allowed.
- **Vehicles – Motorized & Non-motorized:** Roller blades, skateboards, and similar devices may not be brought into nor used on the community center/tennis property. All bicycles shall be parked in the bike rack. The entranceway must be kept clear per Fire Department regulations.
- **Reserving Community Center Rooms:** Aquarina Community Center facilities, such as the library, community room or patio, may not be used without the advance approval of the CAM, upon proper reservation, as provided below. If a room has not been reserved and is sought to be used by a resident, the resident may have a room on a first-come first-served basis. For regularly recurring events -- such as aerobics or Pilates classes in the exercise area, training classes for the exercise equipment or games such as cards and Mah Jong – arrangements must be made with the Manager.

USE FOR VARIOUS FUNCTIONS:

Note the maximum number of persons permitted in the facility is 127, per Fire Department regulations.

PRIVATE EVENTS: The Aquarina Community Center may not be used for any commercial or political events or fundraisers without board approval. A contract for use of the rooms for private functions must be completed and submitted to the Community Association Manager at the time a reservation is made. Space reservations shall be placed through the Manager, who shall maintain a calendar for that purpose. Contact the manager for details.

KITCHEN USE: IN THIS KITCHEN, THE FIRE DEPARTMENT FORBIDS COOKING THAT PRODUCES GREASE LADEN VAPORS.

Homeowners who reserve rooms for events where food will be served may use the kitchen. A reservation form must be completed and submitted to the CAM for approval prior to use, and the required fees paid.

MISCELLANEOUS GENERAL RULES

1. Complaints, criticisms, or suggestions relating to the operation of the Aquarina Community Center or conduct of the staff should be presented, in writing, to any member of the Board of Directors or Community Association Manager.
2. Homeowner and guests may not, verbally or otherwise, abuse, reprimand or discipline any employee of the Aquarina Community Center or ACSA, or send any employee off the premises of the Association for any reason whatsoever.
3. Children under the age of 14 must be accompanied by an adult who is not engaged in any other activity that may diminish his/her ability to control the behavior of the child.
4. Card playing during daytime hours prior to 6:00 PM is restricted to the library and the patio. Card playing or other activities in the community rooms are subject to prior reservation of the room. No alcoholic beverages of any kind may be brought into Aquarina Community Center unless permission is received from the Aquarina Community Center Board of Directors or Manager. If food is brought in, the area must be cleaned and trash taken out to the dumpster.

RULE ENFORCEMENT; PENALTIES Enforcement of rules will be the responsibility of the Aquarina Community Board of Directors.

- i. Infractions of the rules by homeowners, or guests for whose actions their homeowner host is deemed responsible, shall be brought to the attention of the Manager, in writing, who shall attempt to address the matter informally. If this is not possible, the Manager shall refer the matter to the Aquarina Community Board of Directors.
- ii. The Aquarina Community Board of Directors shall attempt to address the matter informally by inviting the complaining party, witnesses, and alleged responsible homeowner violator to a closed meeting of the board to be held at a time and place to be determined by the Aquarina Community Board of Directors.
- iii. If informal adjustment is not possible, the Aquarina Community Board of Directors shall, based upon the facts made known to it, determine what penalty, if any, is appropriate.

Regarding the responsibilities of a homeowner for a failure to restore the premises to pre-event condition: Penalties may be imposed consisting of reimbursement for damage to the premises if the forfeited security deposit is insufficient to cover the restoration costs, a fine, and/or suspension of the homeowner from use of the Aquarina Community Center facilities for a period of time to be fixed by the Aquarina Community Board of Directors.

- i. In the event of their non-payment within 30 days of imposition, restoration costs and fines, if any, may be imposed upon the property interests of the responsible homeowner as a lien. The Aquarina Community Board of Directors shall develop a schedule of fines which it may assess against a violating homeowner.
- ii. Guests responsible for serious misbehavior or damage to the premises may only be suspended or banned from the facility.
- iii. If the Aquarina Community Board of Directors deems that a guest's behavior was also the responsibility of the homeowner-host, the homeowner may be fined in addition to any action taken against the guest.
- iv. Fines not paid within the time designated by the Aquarina Community Board of Directors shall be deemed liens against the responsible homeowner's Aquarina ownership rights and collected in the manner of an unpaid assessment.
- v. The decision of the Aquarina Community Board of Directors regarding the imposition and amount of any damage reimbursement or fine shall be final.

AMENDMENTS OF RULES. These rules may be amended at any time by the majority vote of the Aquarina Board of Directors.

Disposal of Heavy and Oversized Items

Board Enacted Policy

It is the responsibility of each resident to arrange for proper disposal of all heavy and oversized items, with the local garbage collection entity. Such items may not be stored in the Common areas, nor in the community dumpsters prior to resident making afore-mentioned arrangements.

Dock Usage

“Board Enacted Policy”

Homeowner/resident/guest’ use of the docks will be “At your own Risk.” The association is not responsible for personal items, vehicles nor vessels stored at the dock embankment, on the dock, nor at the fenced area near the dock. Arrangements for storing vessels in the fenced area are to be made with the Paramount Management by contacting them directly. The association does not oversee storage.

The current Submerged Land Lease Agreement with Florida Department of Environmental Protection dictates the following policies for usage of this common area:

- Permanent mooring at the docking facility is strictly prohibited.
- Temporary, daytime mooring between the hours of 5:00am to 6:00pm shall only be allowed at the 180 linear foot portion of the fishing pier as indicated on the approved survey of the leased facility dated April 10, 1977.
- Vessels moored temporarily within this area shall be moored parallel to the approved structure.

Drone Policy

This is a Board enacted policy

1. Where drones may be flown with Aquarina:
 - a. Flight over personal area, or neighbors (with permission) is permitted
 - b. Limit use in and on common areas, away from buildings, tennis courts, and golf course.
 - c. The board may give privileges to an owner or the owner’s agent for real estate description and marketing. Contact the CAM to obtain such permission.

2. Drones must be operated under all federal, state, and H.O.A. regulations:
 - a. https://www.faa.gov/uas/recreational_fliers/
 - b. Drones may not be used to video record or take photos of others without consent or invade the privacy of others.
 - c. No one should operate a drone in a manner that may cause danger/disruption to any person or property or to the wildlife.

The owner of the drone shall assume all risks and liabilities involving the use of the drone.

Estate & Garage Sale Policy

This is a Board enacted policy

Estate Sales: Estate sales may be conducted in the Aquarina properties only after the Homeowner has obtained written approval from the CAM/Board of Directors. Approval must be requested 10 days prior to the date of the planned sale. Such requests must include proof that the home has been listed for sale (copy of the Real Estate listing or a photo of the “For Sale” sign posted on the lawn). Estate sales are described as a unit owner’s efforts to liquidate items in the home for the purpose of selling the home. Signs may be posted like the rules for Open Houses. Signs may not be bigger than 2 X 18 and must be approved in advance by the CAM.

Garage sales, other than the annual community garage sale, are not permitted within Aquarina Community.

Exercise Facility Use and Policies

Board Enacted Policy

NOTE: INDIVIDUALS’ USE OF THE EQUIPMENT IN THIS ROOM IS AT THEIR OWN RISK.

- **Hours of Operation:** The Aquarina Exercise Room and its facilities shall be open on the days and during the hours established from time to time by the Aquarina Community Board of Directors. The Aquarina Community Board of Directors shall be responsible for making all security and maintenance arrangements for the Aquarina Community Center. *Furniture and equipment* may not be removed without the express permission of the Association.
- **Access to the Facility:** All homeowners, residents and guests using the Aquarina Community Center may access the facility with the use of an access card provided by the association or the TAP2OPEN Application. Card will be issued only to Owners or residents whose names appear in the association’s records. Initially, two access cards per homeowner were issued to each household at no charge. Additional cards may be purchased from the Association at a cost of \$15.00 per card. Cards will be programmed for access during hours of operation only.
- **Guest Admission:** Non-homeowner guests may use the Aquarina Community Center only as Guests of a homeowner. Guests under age 18 must be accompanied by their homeowner/resident-host while in the Aquarina Community Center. The homeowner inviting a Guest is responsible for informing the Guest of any risks involved in the Guest’s use of the facilities, and shall indemnify and hold the Association harmless against any claims that the Guest may bring against the Association arising from use of the facilities.
- Suitable attire and footwear must be worn. Shirts and shorts must have hemmed edges. Jewelry that may interfere with exercising must be removed prior to exercising.
- Eating, drinking (except water from spill proof containers), and smoking are prohibited, as are horseplay, profanity and disruptive behavior.
- Equipment must be wiped down after every use.
- No one under the age of 14 may use any of the equipment in this room.

Golf Course Use & Policies

Board Enacted Policy

Aquarina Community Service Association (ACSA) and Aquarina Golf, Inc. (AGI) are separate entities, therefore membership with ACSA does not automatically indicate membership at AGI.

Golf Course usage requires membership, or per play greens fees. Homeowner/resident/guest should contact the Golf Club directly for details on becoming a member. They can be reached by calling 321-676-8923.

The Association is not responsible for any damage sustained to private property or persons from golf balls/equipment.

Walkers, bikers, skateboarders and individuals fishing have been noted on golf cart paths during times when golfers are playing the course. This creates unnecessary safety risks for everyone. Only golfers and employees should be on the course and cart paths during hours of golf operations (normally 7am to 5pm).

Dogs being walked on the golf course must be on a leash and the owner must clean up after their pet. (See Pets, page 15)

Leasing Restriction

14th Amendment to the Declaration of Covenants & Restrictions, New Section 10.11

Except as provided for hereinbelow, the initial term of any single lease or rental agreement for any residential unit at Aquarina, as well as each renewal or extension thereof shall be for a minimum of ninety (90) days. If an owner leases his unit for a period of time shorter than ninety (90) days they are prohibited from leasing or renting said unit more than three (3) separate times in any calendar year. For clarification, any renewal, extension or assignment of a lease or rental agreement constitutes a separate lease or rental agreement for all intents and purposes under this provision. In the event the sub community's leasing policy is more restrictive than this provision, such stricter leasing restriction will prevail over this provision. If a sub community's leasing policy is less restrictive, such policy will be subject to and subordinate to this provision.

A copy of the executed lease agreement bearing the tenants' names, contact information, and lease term must be presented to the master association, for the records.

Member Participation at Board Of Directors Meetings

Board Enacted Policy

Prior to all Board of Directors meetings, notices will be posted on the bulletin boards located at the Community Center located on Aquarina Blvd, and at the Administration Building located on Hammock Shore Drive.

The meetings of the Board of Directors, meetings are open to all Owner/Members. Owner/Members who wish to speak with reference to designated agenda items at these meetings must abide by the following guidelines:

- a. Owner/Members will only be allowed to speak, at the Board's discretion, on a meeting agenda item for a maximum of three (3) minutes.

- b. Only owners/members will be permitted to participate at these meetings. (An owner/member is defined as an individual listed on the deed as registered with the Brevard County offices.)
- c. A sign-up sheet will be provided at the meeting for owners who wish to speak for the allotted maximum three minutes on an agenda item. Speakers will be chosen in the order in which they are listed on the sign-up sheet.
- d. Because of the Challenge of being able to properly moderate and control vocal participation of online owner attendees, Owners/members who wish to speak must be physically present at Board meetings and will not be permitted to participate vocally via teleconference nor video streaming, unless such participation can be controlled by the Administrator of the electronic apparatus so that all participants are able to hear without interference. Technology such as Zoom may be used for Board meetings if required and such technology will allow participation of the audience during an open forum period.
- e. Participants who exceed the three-minute time limit or attempt to speak on non-agenda items will be interrupted by the meeting Chairperson. At the discretion of the Chairperson, participants who deviate from these policies when asked to discontinue, or are abusive and/or unruly will be denied, future opportunities to speak at Board meetings.
- f. Statements made by Owners may not be included in the minutes of the meeting, nor will the minutes indicate the names of the participant.
- g. During a Board meeting, only Directors may enter into the discussion on the merit of the current agenda item. Committee chairs and a limited number of Owner/Members may be permitted, if recognized by the Chair, to present information relevant to the current agenda item and may be questioned by a Director, with consent of the Chair. Debate will only be by the Directors of the Association. The association's attorney or Management Company representative may be allowed input when requested by the Chair.

Offensive Conduct

Declaration of Covenants & Restrictions Section 10.3

No behavior or practice shall be permitted on the Common Properties that endangers or unreasonably annoys an Owner or other authorized user of the Common Properties or that might cause the premiums for insurance on the Common Properties to be increased, and no immoral or unlawful use shall be made of any part of the Common Properties.

Open House Rules & Signs

This is a Board enacted policy

One (1) Open House sign may be placed at the entrance to Aquarina, one (1) Open House sign may be placed at each intersection leading to the event, and one (1) Open House sign may be placed where the Open House is being held. These signs may remain in place for a period of 4 hours and must be removed immediately after. No permanent real estate sales/For Sale signs can be placed on the common property in Aquarina.

No signs, other than community directional real estate sale signs approved by the ACSA Board of Directors, are allowed on common property within Aquarina.

Pets
Declaration of Covenants & Restrictions Section 10.4

No animal owned by (or in the custody of) a unit owner or his tenants or guests shall be permitted on the Common Properties except when it is leashed or carried by hand and is either in an area that the Association has specially designated for walking pets or is being walked or transported directly to or from such area or directly off the Common Properties. The Board may order temporarily or permanently banned from the Common Properties, and/or the Properties generally, any animal that is dangerous or that becomes obnoxious by reason of aggressive or intimidating behavior, barking, littering or otherwise. No animal may be kept on the Properties for commercial or breeding purposes.

Dogs are not allowed on our beach as a Brevard County ordinance prohibits dogs on all County beaches except for Canova Beach Dog Park.

Photocopies at the Onsite Office
This is a Board enacted policy

The Association's charge for the cost of duplication of official records of the Association or personal records will be at a rate of \$0.25/page for a maximum of 25 pages. Should there be a requirement to copy an official Association record in excess of 25 pages, the arrangements for a vendor to do so would be negotiated at that time.

Ponds/Canals Restrictions
Board Enacted Policy

All retention ponds/canals located within Aquarina are part of the common areas and are not for recreational use. They are for hydration purposes only and not intended for any purposes by the Owner/Members. The feeding of retention pond/canal wildlife i.e. ducks, fish, turtles, alligators, or any other wildlife that lives on or in the retention pond/canal is prohibited.

Providing Access through Tap2Open
This is a Board enacted policy

For an Open House the owner of the property which is for sale should provide the listing Realtor a code with either an email invitation that provides instructions how they can access the gate using their smart phone or a code that can be used at the Visitor keypad. Visitors to the Open House can be given the code when they make an appointment or when they arrive at the gate by calling the Realtor's telephone number that is on their sign; this code should have a 4 hour maximum. Entry codes must not be posted on the Realtor's sign.

Entry codes provided to Realtors should have an expiry date of 30 days at a maximum. Homeowners/sellers should turn on the notification in Tap2Open so that they would receive emailed notification every time this code is used. Homeowners/sellers are responsible to monitor the valid usage of entry codes they have provided to visitors.

Recording Board Meetings

Board Enacted Policy

The meetings of the Board, audio and/or video recorded subject to the following procedures:

1. Only Owner/Members may bring and operate recording devices at meetings.
2. Recording equipment utilized at any such meeting shall not produce sound or light emissions deemed by the Board to be distracting to the participants or the observers of any meeting, nor shall any equipment be physically located in such a way that it blocks the view of the meeting participants or any observers.
3. All recording equipment shall be assembled and placed in position for recording in advance of the calling to order of any meeting.
4. Owner/Members recording a meeting shall not be permitted to move about the meeting in order to facilitate the recording.
5. Prior to the call to order of that meeting, any Owner/Member planning to record the proceedings of any meeting is required to submit written notice to the Chairperson of the meeting of his/her intent to make such recording at least 72 hours in advance of the meeting.
6. The Association, Board, or Committee being recorded shall not be required to furnish any electrical outlets, lighting, tables, stand, preferential seating, or specific locations for any of their equipment. All equipment shall be placed by the owner on a first-come, first-serve basis. The Chairperson shall have the right to resolve equipment and seating location disputes between Owner/Members and to remove same when disputes are preventing any meeting to proceed as posted.

Removal of abandoned/derelict vehicle

This is a Board enacted policy

An abandoned/derelict vehicle will be removed from any common use parking lot (including the Administration Bldg. lot), as per Procedures for Correction of Parking Violation. Such a vehicle is defined as having one or more of the following characteristics:

- No identifiable Aquarina resident owner, including no Aquarina sticker.
- Has not been moved in over 15 days
- The vehicle is leaking and/or appears to be undrivable
- Authorization was not granted by the Board for long term parking. Any such authorization must be in writing and a copy must be placed in the vehicle in such a manner as to be visible and readable from the outside.
- Any authorization for long term parking will require the name and contact information for the owner's representative who can be called on to move the vehicle.

Road Usage & Speed Limit

Board Enacted Policy

Speed limit 20 miles per hour must be adhered to at all times while using the roadways within Aquarina's common properties.

Tennis Court Use & Policies

Board Enacted Policy

Aquarina Community Service Association (ACSA) and Aquarina Beach and Country Club (AGI) are separate entities, therefore membership with ACSA does not automatically mean membership at AGI. Tennis Court usage requires membership. Homeowner/resident/guest should contact the Tennis Club directly for details on becoming a member. They can be reached by calling 321-676-5236.

Trimming and Cutting of trees and palms within the Association’s Common Areas, to include the Golf Lands.

Board Enacted Policy

Purpose: To establish uniform tree cutting, trimming and maintenance standards for Aquarina Common Areas to include the Golf Lands.

Background: The State of Florida and Brevard County have established standards and regulations to govern the maintenance and preservation of native and protected trees on land parcels greater than 1.25 acres. To further clarify these standards and regulations, the University of Florida Extension Office has established guidelines of maintenance for Florida residents to follow that maximize the health of these native specimens.

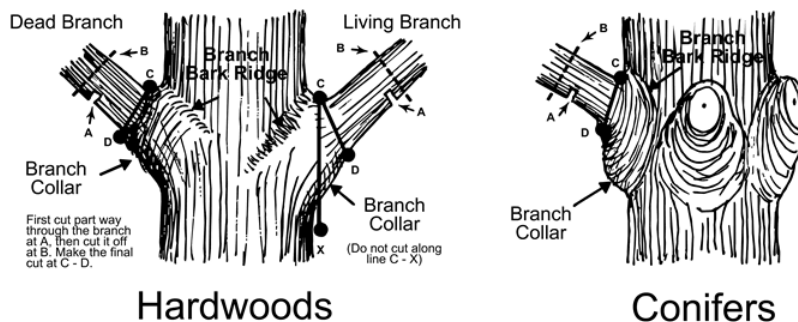
Sabal/Cabbage Palms:

- Sabal/Cabbage Palms will be trimmed using a “9:00 to 3:00” standard. Anything less than that measure is detrimental to the palm, i.e., a “hurricane cut”, defined as a “10 to 2” cut, or, an “11 to 1” cut.
- Sabal/Cabbage Palm, which is the “Florida State Tree”, will not be removed unless it is dead or a danger to safety or personal property.

Barrier Island Oak Trees:

- Oak Trees will only be trimmed to remove dead/diseased portions, branches that interfere with safety, (i.e., interfering with stop signs, roadway or pedestrians), or branches that interfere with the play of golf and/or maintenance of the course.
- Pruning will be as such, that the final cut is outside the collar of the branch without leaving a stub, a flush cut or splitting of the limb ends.

Proper Pruning Principles



- The natural canopy will be preserved by not reducing the height or the spread of the tree. There will be no topping or over lifting of the canopy.
- The Barrier Island Oak Trees are native, historical and protected, and will not be removed unless dead or a danger to safety or personal property.

References:

1. Brevard County, FL, Codes and Ordinances Article XIII: Landscaping, Tree Protection, Land Clearing

and Land Alteration, Division 2: Section 62-4331 – Section 62-4346.

https://www.municode.com/library/fl/brevard_county/codes/code_of_ordinances?nodeId=COORBRCOFLVOII_CH62LADERE_ARTXIIIATRPRCLACLLAAL

2. Brevard County, FL, Codes and Ordinance Article VII- Subdivision and Plats, Division 3: Section 62-2884; Historic Preservation
3. UF/ IFAS Extension Brevard County guidelines on “Pruning Trees” and “Pruning Palms”
<http://brevard.ifas.ufl.edu/>

Vehicles

Board Enacted Policy

Tractors, trailers, boats, motorhomes, large trucks, commercial vehicles and disabled or unregistered vehicles are prohibited from parking within Aquarina properties, except to load or unload for a maximum of 24 hours.

Certain Motorized Vehicles & Toys: 9th Amendment to the CCRs – Section 10.10 (a) No motorized vehicles – golf carts, go-carts, ATV’s, etc. are permitted along walking paths. No moped; motorized scooter; motorized toy that can be ridden; all-terrain vehicle; vehicle known as a “four wheeler”; vehicle having no body or incomplete body; or vehicle that has been converted to a different type of motor vehicle by replacing the original body or by modifying the exterior of the vehicle; shall be operated or parked on any Common Properties of the Association. The foregoing shall not preclude the operation of motorcycles on the Common Properties of the association. The foregoing prohibition shall also not apply to vehicles utilized by Association employees or Association contractors providing maintenance or services to the Properties. The foregoing prohibition shall apply beginning with the date that this amendment is recorded in the public records, regardless of whether such use was in place prior to the date of the recording of this amendment. The foregoing restrictions shall not apply to an item required for use to accommodate a person who is handicapped under the fair housing laws and the restriction against mopeds shall not apply if street licensed and driven by a licensed driver.

(b) Golf carts shall be permitted subject to the following restrictions:

- I. A golf cart shall be operated only during the hours between sunrise and sunset unless the golf cart is equipped to operate in the dark. If the golf cart is used between the hours of sunset and sunrise, the headlights must be turned on.
- II. No person may operate a golf cart unless the person has attained the age of 14 years.
- III. All drivers must obey all stop signs and traffic rules.
- IV. The golf cart owner shall be liable for any and all damages that the driver may cause to Common Property or any Parcel.
- V. Golf carts must only be operated on Common Property roads unless the cart is being used to play golf or used by Association employees.
- VI. Golf carts shall not be used in a manner which is unreasonably disturbing to other Homeowners/residents/guests or which creates a nuisance.

Repair or maintenance of motor vehicles of any kind, on any portion of Aquarina’s community properties is prohibited.