

POSITANO PLACE AT NAPLES III CONDOMINIUM ASSOCIATION, INC.
12910 Positano Circle
Naples, Florida 34105

Amendment to Rules and Regulations

WHEREAS, Positano Place at Naples III Condominium Association, Inc. (the "Association") is a Florida not-for-profit corporation charged with the operation of Positano Place at Naples III located in Collier County, Florida and governed by that certain Declaration of Condominium for Positano Place at Naples III recorded at OR Book 3999, Page 3731 of the Public Records of Collier County, Florida (the "Declaration");

WHEREAS, Section 17.8 of the Declaration and Paragraph 40 of the Rules and Regulations provide the Association with the authority to review and approve all lease applications and leases;

WHEREAS, Section 17.8 of the Declaration also provides that the Association shall have the right to require a surety deposit, a lease approval fee of \$50.00 and that a substantially uniform lease be used and copies of all leases shall be provided to the Association.

WHEREAS, in order to maintain a community of responsible residents with the objectives of inhibiting transiency, protecting the values of units and facilitating the development of a stable, quiet community and peace of mind for all residents, the Board feels it is necessary to require a more thorough investigation into proposed leases and adopt specific criteria for lease approval and amend Rule 40 as set forth below to provide substantive criteria for the approval and denial of lease applications.

NOW THEREFORE, Paragraph 40 of the Rules and Regulations is hereby amended and adopted on this day as follows:

(a) Owners shall submit a non-refundable \$50.00 fee per applicant (as defined by Florida law) for review and registration of the lease. The Association shall have seven (7) business days to run a criminal, financial history, and/or tenant history report and issue approval or disapproval of the lessee. The Association shall comply with all applicable Fair Housing laws and doctrines and approval of any lessee shall not be unreasonably withheld.

(b) A Unit Owner shall be prohibited from leasing his unit for more than three (3) separate terms within a one (1) year period with a minimum term of thirty (30) days.

(c) The Board shall approve or disapprove all leases and shall disapprove a proposed lease only if a majority of the Board (or its designated committee) votes to disapprove the lease. The following shall be deemed good cause to deny a lease:

- 1) The person seeking approval has been convicted of a felony involving violence to persons or property or a felony involving dishonesty or moral turpitude;
- 2) The person seeking approval has been convicted of sexual offenses and is required to register as a sex offender or a sexual predator;
- 3) The person seeking approval has been convicted of three (3) or more offenses related to driving under the influence of alcoholic beverages, chemical substances, or controlled substances, regardless of whether any of the above is a felony;

- 4) The person seeking approval has more than five (5) charges constituting Department of Highway Safety and Motor Vehicles moving violations, regardless of whether any charge is a felony;
- 5) The person seeking approval has been arrested and/or charged with possession of illegal substances or paraphernalia related to such illegal substances in the past ten (10) years;
- 6) The person seeking approval has been arrested and/or charged with burglary or theft within ten (10) years of the date of application;
- 7) The person seeking approval has been arrested and/or charged with battery or assault within ten (10) years of the date of application;
- 8) The person seeking approval has a record of financial irresponsibility, including, without limitation, bankruptcy(s), foreclosure(s) or bad debts to be determined on a case by case basis.
- 9) The person seeking approval has been a defendant in an eviction action or has an eviction judgment entered against them within ten (10) years of the date of application;
- 10) The person seeking approval has a credit score lower than six hundred fifty (650) at the time of application, which shall be calculated by the number provided to the Association if only one search is obtained, or by the average of multiple scores provided to the Association pursuant to its own search;
- 11) The application for approval on its face indicates that the person seeking approval intends to conduct himself or herself in a manner inconsistent with the covenants, restrictions and rules governing Positano Place at Naples III;
- 12) The person seeking approval has a history of use violations or disruptive behavior or disregard for the rights and property of others as evidenced by his conduct within Positano or any other social organizations or associations, or by his conduct as a tenant, Owner or occupant;
- 13) The person seeking approval failed to provide the information required to process the application in a timely manner;
- 14) The Owner is delinquent on assessments or fines owed to the association at the time of the application.

(d) Prior to an approved tenant(s) taking occupancy, it is the responsibility of the Owner to provide the tenant(s) the complete set of the Positano Place at Naples III Documents, including a copy of these Board-adopted Rules and Regulations.

(e) All leases must and shall be deemed to contain the agreement of the tenant(s) to abide by all of the restrictions contained in the Positano Place at Naples III governing documents and these Rules and Regulations and shall be deemed to provide that a violation thereof is grounds, following written notice to the Owner and tenant(s) and reasonable opportunity to cure, for damages, termination of lease and eviction pursuant to law and that the tenant(s) and Owner agree that the Association may proceed against either the Owner or the tenant(s) and that the Owner or the tenant(s) shall be responsible for the association's costs and expenses, including attorney's fees and court costs, secured by a lien against the Unit.

Board Approved this 19th day of
May, 2015



Thomas Nigro, President