

July 25, 2019

**RULES GOVERNING INSPECTION AND COPYING OF OFFICIAL RECORDS**

(Adopted at duly noticed Board meeting on July 25, 2019.)

1. An Owner or his or her authorized representative desiring to inspect or obtain copies of the Association's "official records" (as defined in Sec. 720.303(5), Fla. Stat.) shall submit a written request to the Association in care of the property management company by certified mail, return receipt requested. The written request must identify with specificity the particular records requested by the Owner or his or her authorized representative desires to inspect or copy, including pertinent dates or time periods. The records requested must be sufficiently detailed to permit the Association to retrieve the exact records requested. Written requests including broad items of inquiry, e.g., "all items pertaining to" or "any documents in the Association's possession," etc., are deemed unspecified and will not be addressed. The written request shall not be open-ended in nature and shall be limited only to documents currently available.
2. The Association will contact the Owner or his or her authorized representative to schedule an appointment to inspect the records produced. Inspections shall be conducted by mutually agreeable appointment only between the hours of 9:00 A.M. and 5:00 P.M., Monday through Friday. Records will be available for inspection within ten (10) business days after receipt by Association of the written request sent certified mail, return receipt requested. An Owner or his or her authorized representative may not exceed more than one 8-hour business day per month to inspect the documents identified in the written request.
3. An Owner or an Owner's authorized representative shall not interfere with the operation of the Association office or otherwise compromise the property management company's ability to conduct normal business operations. At the Association's discretion, Association may assign a staff person to supervise the inspection and assess charges in accordance with the law.
4. Hard copies of the official records will available for inspection or copying 1) in the community at the Association office; or 2) at the Association's option, by making the official records available to an Owner or his or her authorized representative electronically; or 3) by allowing the official records to be viewed in electronic format on a computer screen and printed on request, subject to the restrictions set forth below, or as otherwise required by law.
5. Inspection or copying of records shall be restricted solely to those records specifically designated in the written request for inspection and copying, and no inspection or copying of any other records shall be permitted. Alteration of original documents is prohibited. An Owner or his or her authorized representative shall not remove any original documents from the Association office.
6. Except for copies of the Association's governing documents the Association may limit any request to a maximum of twenty (20) records of no more than 100 pages in the aggregate. An Owner may submit up to two (2) written requests for records per month per voting right.
7. If, at or subsequent to inspection, an Owner or his or her authorized representative desires to have a copy of an official record, the Owner or his or her authorized representative shall designate in a separate writing, on a form provided by the Association, which record, or portion thereof, for which a

copy is desired, or, in the alternative, shall designate such record by use of a paperclip or post-it note upon the page(s) desired. Not more than one copy of each record requested shall be permitted. If the Association has a copier available where the records are maintained, the Association must provide copies on request during the inspection if the entire request is limited to no more than 25 pages. If the records requested to be copied exceed 25 pages in length (but subject to the 100-page limit), the Association may provide copies to the requesting party within a reasonable time after the inspection. Owners or their authorized representatives must pick-up the records unless the Association agrees to mail or email them in its sole discretion. The Association shall allow an Owner or his or her authorized representative to use a portable device, including a smartphone, tablet, portable scanner, or any other technology capable of scanning or taking photographs, to make an electronic copy of the official records in lieu of the Association providing the Owner or his or her authorized representative with a copy of such records. The Association may not charge a fee to an Owner or his or her authorized representative for the use of a portable device.

8. The Association may impose fees to cover the costs of providing copies of the official records, including the costs of copying and the costs required for personnel to retrieve and copy the records if the time spent retrieving and copying the records exceeds 30 minutes and if the personnel costs do not exceed \$20.00 per hour. Personnel costs may not be charged for records requests that result in the copying of 25 or fewer pages. The Association may charge up to 25 cents per page for copies made on the Association's copier. If the Association does not have a copier available where the records are kept, or if the records requested to be copied exceed 25 pages in length (but subject to the 100-page limit), the Association may have copies made by an outside vendor and may charge the actual cost of copying, as supported by the vendor's invoice. The Association may require that payment be made in advance. Owner or his or her authorized representative shall complete, sign, and date a Receipt and Acknowledgement prior to leaving the Association office with the requested copies.
9. No written request shall be submitted for the same records requested in a prior written request within the previous 12 calendar months.
10. The Association is not obligated to grant any request for inspection of requested records not in compliance with these Rules. Nothing in these Rules shall be construed as a limitation or restriction upon any right or remedy of the Association. Copies of requested records not picked up within thirty (30) days will be destroyed, and a new request by Owner is required.
11. Notwithstanding the provisions of Sec. 720.303, Fla. Stat., the following records shall not be accessible to Owners or their authorized representatives:
  - (a) Any record protected by the lawyer-client privilege as described in Sec. 90.502, Fla. Stat. and any record protected by the work-product privilege, including, but not limited to, any record prepared by an Association attorney or prepared at the attorney's express direction which reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the Association and was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings or which was prepared in anticipation of such litigation or adversarial administrative proceedings until the conclusion of the litigation or adversarial administrative proceedings.
  - (b) Information obtained by the Association in connection with the approval of the lease, sale, or other transfer of a parcel.

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- (c) Personnel records of the Association or management company employees, including, but not limited to, disciplinary, payroll, health, and insurance records. For such purposes, the term "personnel records" does not include written employment agreements with an Association or management company employee or budgetary or financial records that indicate the compensation paid to an Association or management company employee.
- (d) Medical records of Owners or community residents.
- (e) Social security numbers, driver license numbers, credit card numbers, electronic mailing addresses, telephone numbers, facsimile numbers, emergency contact information, any addresses for an Owner other than as provided for Association notice requirements, and other personal identifying information of any person, excluding the person's name, parcel designation, mailing address, and property address. Notwithstanding such restrictions, the Association may print and distribute to Owners a directory containing the name, parcel address, and all telephone numbers of each Owner. However, an Owner may exclude his or her telephone numbers from the directory by so requesting in writing to the Association. An Owner may consent in writing to the disclosure of other contact information described above. The Association is not liable for the disclosure of such protected information if the information is included in an official record of the Association and is voluntarily provided by an Owner and not requested by the Association.
- (f) Any electronic security measure that is used by the Association to safeguard data, including passwords.
- (g) The software and operating system used by the Association which allows the manipulation of data, even if the Owner owns a copy of the same software used by the Association. The data is part of the Association's official records.

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FORMS --

ORIGINAL RECORDS REQUEST

RECEIPT AND ACKNOWLEDGMENT