

RULES REGARDING INSPECTION AND COPYING OF OFFICIAL RECORDS
UNDER SECTION 718.111(12), FLORIDA STATUTES

I. OFFICIAL RECORDS DEFINED

The official records of the Association which are available for inspection and copying are those designated by the Florida Condominium Act, as amended from time to time. The Association is not required to create or collate records at the request of members of the Association.

II. PERSONS ENTITLED TO INSPECT OR COPY

A. Every member, or the authorized representative of a member, shall have the right to inspect and copy the official records pursuant to these rules. Tenants shall only have the right to inspect the Declaration, Bylaws and Rules, as amended, and the inspection reports described in Florida Statute 553.899 and 718.301(4)(p).

B. No more than one (1) other individual may attend a records inspection with a member. The member must provide the Association with the name of such individual, in writing, at least 48 hours in advance of the scheduled records inspection.

C. If the member intends for a representative to inspect official records on his/her behalf, the name of the representative must be provided to the Association, in writing, no less than 48 hours before the scheduled records inspection.

The member and his/her representative shall hereinafter be referred to as the "member". Tenants shall be hereinafter referred to as "member" for purposes of records inspections authorized by tenants.

III. INSPECTION AND COPYING

A. A member desiring to inspect the Association's official records shall submit a written request by certified mail return receipt requested to the Association c/o Board of Directors, 50 Scotia Drive, Hypoluxo, FL 33462. The request must state with particularity the official records requested, including pertinent dates or time periods. The request must be sufficiently detailed as to allow the Association to retrieve the official records requested. However, the Association is under no obligation to retrieve any records requested and may, in the alternative, require the member to inspect the official records as they are kept in the ordinary course of business or the Association, at its discretion, may make the official records available for inspection via the Internet or on an office computer workstation. No making available of official records in a particular manner for one request shall obligate the Association to do the same for another request.

B. Inspection or copying of records shall be limited to those records specifically requested in advance, in writing.

C. No member may submit more than one (1) request for records inspection and/or copying per calendar month. Additional requests will not be processed and the member must make a subsequent request in a following month. A member and/or their authorized representative shall have not more than three (3) times per calendar month, for not more than four (4) hours per viewing, to inspect the records included in their request.

D. No member may submit more than one request for inspection and/or copying of the same record within any ninety (90) day period. Once the record has been inspected by the member or by an authorized representative, or a copy obtained by the member or authorized representative, if the record has not changed, it is not subject to further requests for inspection and/or copying by that member or authorized representative for a period of ninety (90) days. Any record inspection scheduled as the result of the receipt of a request shall be deemed to be an inspection of all records listed in said request that were not previously indicated as exempt or unavailable.

E. All inspections of records shall be conducted at the Association's office or at such other location designated by the Association to the extent permitted by the Florida Condominium Act, as amended from time to time. No member may remove original records from the location of the inspection. No alteration of the original documents shall be allowed.

F. Records shall be made available for inspection by the Association on or before the tenth (10th) business day subsequent to actual receipt by the Association of the written request for inspection by certified mail return receipt requested. This timeframe may be extended by written request of the member. The Association shall notify the member, by telephone, e-mail, in person, or in writing, that the records are available and shall attempt to make the records available at a mutually convenient time and date. A record inspection session shall not extend beyond four (4) hours unless the Association approves. The Association may institute any supervision or reasonable security measures with regard to the record inspection. The Association shall not be obligated to make records available less than ten (10) business days after receipt of the member's written request.

G. If the member desires to obtain a hard copy of any record, the member shall identify the record by flagging it in a manner which will not damage the record. For any records inspection in the Association's office, the Association shall, if its copy machine is in working order, provide a member with copies of records to the extent that the member's request is limited to no more than twenty-five (25) pages. Copies will be at a reasonable charge to the member, per page, as determined by the Association from time to time but not to exceed 25 cents per page.

Any request for copies exceeding twenty-five (25) pages may be sent to a copy service and the member shall be responsible for the actual cost of copies. The Association shall not be obligated to undertake copying of any records until payment is received by the Association. The Association reserves the right not to accept personal checks from any member who has previously submitted a check to the Association for any charge which

has been returned due to insufficient funds. The association shall allow a member or their 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's providing the member or his or her authorized representative with a copy of such records. The Association may not charge a member or his or her authorized representative for the use of a portable device.

IV. MANNER OF INSPECTION

A. No written request for inspection or copying shall be made in order to harass any member, resident or Association agent, officer, director or employee. Inspection and copying requests not in conformance with these rules will be deemed to be harassment.

B. All persons inspecting or requesting copies of records shall conduct themselves in a businesslike manner and shall not interfere with the operation of the Association office or office where the records are otherwise inspected or copied. The Association office, or office of inspection, may assign staff or agents to assist in or supervise the inspection.

V. NON-ACCESSIBLE OFFICIAL RECORDS

Pursuant to section 718.111(12)(c), Florida Statutes, as may be amended from time to time, the following records are not accessible to members:

- i. Any record protected by the lawyer-client privilege as described in section 90.502, Florida Statutes, and any record protected by the work-product privilege, including, but not limited to, any record prepared by the Association's attorney or prepared at the Association's attorney's express direction which reflects a mental impression, conclusion, litigation strategy or legal theory of the attorney or the Association and which was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings or which was prepared in anticipation of such litigation or proceedings until the conclusion of the litigation or proceedings.
- ii. Information obtained by the Association in connection with the approval of the lease, sale, or other transfer of a unit.
- iii. Personnel records of Association or management company employees, including, but not limited to, disciplinary, payroll, health and insurance records. For purposes of this subparagraph, 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.

iv. Medical records of members.

v. Social security numbers, driver license numbers, credit card numbers, electronic mailing addresses, telephone numbers, facsimile numbers, emergency contact information, any addresses for a member other than as provided for Association notice requirements, and other personal identifying information of any person, excluding the person's name, unit designation, mailing address and property address and any other address, electronic mailing address, or facsimile number provided to the Association to fulfill the Association's notice requirements. Notwithstanding these restrictions, the Association may print and distribute to members a directory containing the name, unit address, and all telephone numbers of each member. However, a member may exclude his/her telephone numbers from the directory by so requesting in writing to the Association. A member may consent in writing to the disclosure of other contact information that is protected under section 718.111(12)(c), Florida Statutes, as amended from time to time. The Association is not liable for the inadvertent disclosure of information that is protected under section 718.111(12)(c), Florida Statutes, as amended from time to time, if the information is included in an official record of the Association and is voluntarily provided by a member and not requested by the Association.

vi. Any electronic security measure that is used by the Association to safeguard data, including passwords.

vii. The software and operating system used by the Association which allows the manipulation of data, even if the member owns a copy of the same software used by the Association.

VI. ENFORCEMENT OF INSPECTION AND COPYING RULES

A. Any violation of these rules shall cause the immediate suspension of the inspection or copying until such time as the violator agrees in writing to comply herewith.

B. Any written requests for inspection or copying not complying with these rules will be denied. The Association shall indicate in writing the nature of the noncompliance and transmit same to the requesting party within five working days subsequent to receipt of the written request.

C. Verbal, email and non-certified mail requests for inspection will not be honored shall not be required to be acknowledged.

D. The Association reserves the right to amend these rules from time to time as deemed necessary.

E. The Association may take any available legal action to enforce these rules and the prevailing party shall be entitled to recovery of their reasonable attorney's fees and costs incurred.