

Chapter 11 - Section 11.3

Inspection of Records

WHEREAS, Chapter 720 of the Florida Statutes (2011), hereinafter the Florida Homeowners' Association Act, provides that the Association may adopt reasonable rules regarding the frequency, time, location, and notice of records to be inspected and the manner of record inspections and copying; and

WHEREAS, the Board of Directors believes it is in the best interest of the Association to adopt rules, as contemplated by the above-referenced statute.

NOW THEREFORE, the following rules governing inspection of the Official Records of the Association are adopted:

- A. *RECORDS DEFINED.* The Official Records available for inspection and copying are those designated by the Florida Homeowners' Association Act, as amended from time to time, as the Official Records of the Association, to the extent that the Association is required to maintain such records.
- B. *RECORDS AVAILABLE.* No records other than those defined above shall be available for inspection or copying.
- C. *PERSONS ENTITLED TO INSPECT OR COPY.* No Owner, or the Owner's authorized representative, shall have any right to inspect or copy the records of the Association, except as permitted by law. All references herein to Owner will include an Owner's authorized representative. No other person shall be permitted to inspect or copy the Association records, unless approved by the Board or the President or unless required by law.
- D. *INSPECTION AND COPYING.*

1. An Owner desiring to inspect or copy Association records shall submit a written request, during regular business hours, by Certified U.S. Mail, Return Receipt Requested to the Association at the official address of the Association, pursuant to the most recent on-line records of the Florida Secretary of State, Division of Corporations.

Requests by facsimile transmission, electronic mail (e-mail) or other means do not comply with this Rule. Verbal requests do not comply with this Rule. The written request must specify the particular records the Owner desires to inspect or copy, including pertinent dates or time periods. The specification of the particular records must be sufficiently detailed to permit the Association to retrieve the exact records requested

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An Owner's inspection request shall be deemed received by U.S. Certified Mail, Return Receipt Requested, on the date that the receipt card was signed for by the Association.

2. Inspection or copying of records shall be restricted solely to those records specifically designated in the written request for inspection or copying and shall be conducted solely by the owner signing the inspection request, or his or her authorized representative. No inspection or copying of any other records shall be permitted. If more than one owner desires to inspect the same records, the Association may require that such inspections are conducted at different times. If an owner has designated an authorized representative, either the owner or the authorized representative may inspect the records; however, both parties may not inspect the records together. However, this shall not preclude an owner from inspecting the records with the owner's representative if such representative is a Certified Public Accountant licensed to practice in Florida or an Attorney at Law admitted to practice in Florida.

3. An Owner shall not submit more than one (1) written request for inspection or copying of records per calendar month

4. Inspections of records shall be conducted at the office where the Association's records are maintained or at such other location as may be designated by the Association. Records must be made available for inspection in the County where the Community is located. No Owner shall remove original records from the location where the records are inspected. No marks or alterations shall be made on original records.

5. Records shall generally be made available for inspection by the Association on or before the tenth (10th) working day subsequent to actual receipt by the Association of the written request for inspection. This time frame may be extended upon request of the Owner or for good cause. In addition, this time frame shall be extended in the event the records are so voluminous, or otherwise in such condition as to render this timeframe unreasonable. The Association shall notify the Owner by telephone or in writing (including e-mail), that the records are available and the time, date and place for such inspection. Inspection shall be made only during normal Association business hours, or during the normal business hours of the location of inspection if other than the Association's office. For the purposes herein, "working day" shall mean Monday through Friday, exclusive of federal, state and local holidays in which the office of the Association is closed. For purposes herein, "normal business hours" shall be the hours the Association's office is customarily open, or the hours the location where the records are to be inspected is customarily open, or if there are no customary hours of operation, then 9:00 A.M. to 12:00 P.M. and 1:00 P.M. to 5:00 P.M., all on a working day. No Owner shall be entitled to inspect records for more than nine (9) hours in any calendar month. At the request of either the Association or the Owner, inspections may be broken up into segments, provided that three (3) inspection visits per calendar month shall be the maximum number of sessions in a calendar month.

6. If, at or subsequent to inspection, an Owner desires to have a copy of a record, the Owner shall designate in a separate writing, which record, or portion thereof, for which a copy is desired, or, in the alternative, shall designate such record by use of a clip or tab upon the page(s) desired. Not more than one (1) copy of each record requested shall be permitted. If the location where the records are being inspected or stored has a copy machine capable of making copies of the records designated, then copies of the records shall be available within two (2) working days subsequent to the designation of such records. If, however, the records to be copied are so voluminous that it is not practicable for them to be copied where they are kept or there is no copy machine at the location where the records are being inspected or stored capable of making copies of the records designated, the Association may send the records out for copying by an outside

source, such as a commercial copying company. Copies made by an outside source shall be available as soon as a copying service can pick-up, copy and return the records to the location where the records are being inspected or stored. Photocopies will be available at the place where Official Records are kept. Owners requesting copies must arrange for pick-up of records. The Association shall have no obligation to mail or otherwise deliver copies to any place. As determined by the Manager, the President, the Board, or the person designated by the Association to oversee the inspection of records, in the event the copies of the records are so voluminous, or a copy machine or copy service is not available or too busy, or the records are in such condition or form that copies cannot be made available within the above-stated time periods, then copies will be made available as soon as practical.

7. An Owner shall pay the reasonable expense of copying. In the event the copies are made by the Association, the cost shall not exceed fifty cents (\$.50) per page and absent a Resolution by the Board to the contrary, copies shall be charged at fifty cents (\$.50) per page. If copies are made by outside vendors, actual costs shall be charged to the Owner. Payment in advance for the cost of a copy shall be required. In the event payment is made in a form other than cash, cashier's check, money order or certified check, payment shall not be deemed received unless and until payment has cleared. No copy of a record shall be made unless and until payment for the copy is received.

8. Records not normally kept in written form shall be produced for inspection in the form in which they are normally kept. However, if records are kept on computer format, the Association may print such records to paper. The Association shall not be obligated to allow Owners to access the Association's computer system, nor shall it be required to make copies of computer records which may violate copyright laws, licensing laws or agreements, vendor agreements, or which involve proprietary software or computer data. The cost of converting such non-written records to written format, where required, shall be in addition to the cost of copying such records, and the Owner shall pay the reasonable expense of converting such records to written form, which expense shall be the Association's actual cost of making the copy.

9. The Association may comply with its obligation to make Official Records available for inspection by providing them to the Owner by electronic mail, the internet, or making them available in a computerized format readable with customary programs used in computers of consumers. If, however, an Owner provides the Association with written notice that they do not have access to a computer, the Association must supply the records in paper format.

E. MANNER OF INSPECTION.

1. For purposes hereof, an Owner and the Owner's authorized representative shall be considered one person. If inspection is requested by any person other than a record Owner of the Lot/Tract, said request shall not be recognized by Association unless and until the record Owners of the Lot/Tract designate such person, in writing, as their authorized representative or unless such person is an attorney admitted to practice in Florida.

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2. All persons inspecting or requesting copies of records shall conduct themselves in a courteous manner, and shall not interfere with the normal operation of the Association’s office and the duties of their personnel, or the office where the records are otherwise inspected or copied or the duties of their personnel. The Association’s office, or office of inspection, may assign a staff person or other person to assist in the inspection and all requests for further assistance and copying during inspection shall be directed to that staff person.

F. ENFORCEMENT OF INSPECTION AND COPYING RULES.

1. Any violation of this Rule may result in the immediate suspension of the inspection or copying until such time as the violator agrees in writing to comply herewith. Any requests for inspection and copying not complying with this Rule need not be honored, but in such cases the Association shall mail or hand-deliver a written response to the person requesting inspection and/or copying and shall indicate how the request fails to comply herewith.

2. The Board of Directors may take whatever appropriate legal action is available against any person who fails to comply with this Rule, including the levying of fines.

3. Nothing in this Rule shall be construed as a limitation or restriction upon any of the Association's rights or remedies, or act as an election of remedies. All rights and remedies available to the Association shall be cumulative.

4. The President of the Association, or the Manager (under the direction of the President), shall have the authority to interpret and implement the provisions of this Rule and make decisions and judgments arising hereunder without need for Board approval on a case-by- case basis.

This Rule shall be effective on the date approved by the Board of Directors. The number of Board members who voted in favor of this Rule is _____. The number of Board members who voted against this Rule is _____. The vote of each Director is reflected in the minutes of the meeting at which this Rule was adopted.

Rotonda West Association

By: _____
President

Date: _____