

RULES AND REGULATIONS GOVERNING INSPECTION AND COPYING OF ASSOCIATION RECORDS

The following are rules governing inspection of the Official Records of the Association

1.1 Official Records Defined. The Official Records available for inspection and copying are those designated by Florida Statutes, 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. Under no circumstances does a record include any document not already in existence, nor records whose retention period has expired, as provided for by the law or the rule in effect on the effective date of the Rule, whether or not said records are still in existence.

1.2 Record Defined. Record shall mean a document or group of documents relating to a particular matter. By way of example, the following constitute one (1) record each, monthly phone bill as sent by the utility, the general ledger of a particular fund for one month, a paid invoice from one vendor as sent by that vendor, and the minutes of a meeting held at one particular time and date. The person designated by the Association to oversee the inspection of records shall, in his or her sole discretion, determine what constitutes a single record.

1.3 Records Available. No records other than those defined above shall be available for inspection or copying, unless the Association determines it to be in the best interest of the Association to make such records available for inspection and/or copying.

1.4 Persons Entitled to Inspect or Copy. Unit Owners and the Unit Owner's authorized representative shall have the right to inspect or copy the records of the Association, as permitted by law. All references to Unit Owner will include a Unit 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.

1.5 Inspection and Copying

1.5.1 A Unit Owner desiring to inspect or copy Association records shall submit a written request by Certified U.S. Mail, Return Receipt Requested, to the Association in care of the Association's Manager, which mailing address is currently: **c/o Property First Inc., 221 Driggs Drive Unit 4656, Winter Park, FL 32793.**

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

1.5.3 A Unit Owner's inspection request shall be deemed received the date that the receipt card was signed for by the Association. Name, address, phone number and email address must be provided in the request.

1.5.4 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 Unit Owner signing the inspection request, or their authorized representative. No inspection or copying of any other records shall be permitted.

1.5.5 If more than one Unit Owner desires to inspect the same records, the Association may require that such inspections be conducted at different times. If a Unit Owner has designated an authorized representative, the Unit Owner or the authorized representative may inspect the records; however, both parties may not inspect the records together. However, this shall not preclude a Unit Owner from inspecting the records with the Unit Owner's representative if such a representative is a Certified Public Accountant licensed to practice in Florida, or an Attorney at Law, admitted to practice in Florida.

1.5.6 No Unit 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 Unit 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, and nine (9) hours maximum cumulative inspection time.

1.5.7 No Unit Owner may submit more than one request for inspection and/or copying of the same record within a sixty (60) day period.

1.5.8 No Unit Owner may request the inspection of more than fifty (50) records at any one time, nor shall the Association be required to produce records for inspection exceeding five hundred (five hundred) pages at any one time. If the Unit Owner's request exceeds either of these limitations, the Association may provide records for inspection in the order requested by the Unit Owner up to the limiting factor, and notify the Unit Owner that the other records will be made available for inspection at another inspection session upon receipt of another written request of the Unit Owner. An Owner shall not be precluded from requesting records which were not produced because of the aforesaid limitations within sixty (60) days pursuant to Section 1.5.7 above.

1.5.9 No Unit Owner may request the inspection of more than one hundred and fifty (150) records within any sixty (60) day period, nor shall the Association be required to produce more than one thousand (1,000) pages within any sixty (60) day period, regardless of the number of requests

made by the Unit Owner during those sixty (60) days. If the Unit Owner's request exceeds either of these limitations, the Association may provide records for inspection in the order requested by the Unit Owner up to the limiting factor, and notify the Unit Owner that the other records will be made available for inspection at another inspection session upon receipt of another written request of the Unit Owner, subsequent to the sixty (60) day period.

1.5.10 The Association will not create or generate a document or a report that it would not otherwise create or generate unless it is required to do so by law or its governing documents.

1.5.11 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 Orange County or, if outside of Orange County, within forty-five (45) miles of the Community.

1.5.12 No Unit Owner shall remove the original records from the location where the records are inspected. No marks or alterations shall be made on the original records.

1.5.13 Records shall 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, or within the time period required by law. This time frame may be extended upon request of the Unit Owner or for good cause. In any case, the Association shall always use its best efforts to make records available for inspection by the tenth (10th) working day after receipt of request, and the failure to do so shall create a rebuttable presumption that the Association has violated the provisions of this Rule. The Association may rebut the presumption by obtaining an opinion from legal counsel that the Association has, under the circumstances, attempted to address the Unit Owner's records inspection request promptly and in good faith. In addition, this time frame shall be extended in the event the records are too voluminous, or otherwise in such a condition as to render this time frame unreasonable.

1.5.14 The Association shall notify the Unit Owner by telephone or in writing, 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 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 or office where the records are being made available for inspection is closed. For purposes herein, "normal business hours" shall be 9:00 A.M. to 12:00 P.M. and 1:00 P.M. to 5:00 P.M., Monday through Friday.

1.5.15 If, at, or subsequent to inspection, a Unit Owner desires to have a copy of a record, the Unit Owner shall designate in a separate writing, which records, 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, and the Owner has requested copying of twenty-five or less pages of

records, then copies of the records shall be made contemporaneously with the inspection. If, however, the records to be copied exceed twenty-five pages, or there is not copy machine at the location where the records are being inspected, then copies of the records shall be available within three (3) working days subsequent to the designation of such records. If the records to be copied are so voluminous that it is not practicable for them to be copied where they are kept, 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. Unit 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.

1.5.16 Copying of official records will be limited to those records that exist at the time of the request. No request for future documents will be accepted.

1.5.17 The Association shall allow a Unit Owner or his or her authorized representative to use a portable device, including a smartphone, table, 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 Unit Owner of his or her authorized representative with a copy of such records. The Association may not charge a Unit Owner or his or her authorized representative for the use of the portable device. However, if an Official Record is stored electronically and the Unit Owner requests a printed copy to scan, the Association may impose a copying charge, as designated in Section 1.5.18 below, for printing the record(s) from the computer.

1.5.18 A Unit Owner shall pay the reasonable expense of copying. In the event the copies are made by the Association, the cost shall not exceed twenty-five cents (\$.25) per page unless a resolution is made by the Board to the contrary, for a difficult copy charge. If copies are made by outside vendors, actual costs shall be charged to the Unit Owner. Payment in advance for the cost of a copy shall be required. In the event payment is made in forms other than cash, cashier's check, money order or certified check, payment shall not be deemed received unless and until payment is cleared. No copy of a record shall be made unless and until payment for the copy is received and payment has cleared, if applicable.

1.5.19 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 Unit 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 Unit Owner shall pay the reasonable expense of converting such records to written form, which expense shall be the actual cost of making the copy, but no less than twenty-five cents (\$.25) per page.

1.5.20 The Association may, but shall not be obligated to, comply with its obligation to make Official Records available for inspection by providing them to the Unit Owner by electronic mail, the internet, or making them available in a computerized format readable with customary programs used in computers of consumers. If the Association provides access to Official Records through a computer supplied by the Association or the office in which records access is being conducted, the person inspecting the records shall not e-mail the records inspected to any other computer, person, or e-mail account, review other content or programs on said computer, not otherwise in any fashion download, forward, or otherwise transmit or manipulate the data he or she reads during the inspection of the records by review on electronic mail, internet or computerized format. If, however, a Unit 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.

1.6 Manner of Inspection.

1.6.1 For purposes hereof, a Unit Owner and the Unit Owner's authorized representative shall be considered one person. If inspection is requested by any person other than a record Owner of the Unit, said request shall not be recognized by Association unless and until the record Owners of the Unit designate such person, in writing, as their authorized representative or unless such person is an attorney admitted to practice in Florida. Each inspection period cannot exceed ninety (90) minutes in length of time. If additional time is needed, Unit Owner may request an inspection of record notice as set forth in these regulations.

1.6.2 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 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 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.

1.7 Enforcement of Inspection and Copying Rules

1.7.1 Any violation of these Rules may result in the immediate suspension of the inspection or copying until such time as the violator agrees in writing to comply herewith.

1.7.2 Any requests for inspection and copying not complying with these Rules need not be honored, but in such cases the Association shall e-mail, 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.

1.7.3 The Board of Directors may take whatever appropriate legal action is available against any person who fails to comply with these Rules, including but not limited to the levy of fines or suspension of the use rights subject to the requirements of law.

1.7.4 Nothing in these Rules should 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.

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.

The following records are **not accessible** to unit owners:

- a. Any record protected by the lawyer-client privilege and any record protected by the work-product privilege.
- b. Information obtained by an association in connection with the approval of the lease, sale, or other transfer of a unit.
- c. Personnel records of association or management company employees, including, but not limited to, disciplinary, payroll, health, and insurance records.
- d. Medical records of unit owners.
- e. Social security numbers, driver license numbers, credit card numbers, e-mail addresses, telephone numbers, facsimile numbers, emergency contact information, addresses of a unit owner other than as provided to fulfill the association's notice requirements, and other personal identifying information of any person, excluding the person's name, unit designation, mailing address, property address, and any address, e-mail address, or facsimile number provided to the association to fulfill the association's notice requirements.
- f. Electronic security measures that are used by the association to safeguard data, including passwords.

g. The software and operating system used by the association which allow 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 official records of the association.