



In accordance with Florida Statutes 720.303(5), the Association may adopt reasonable written rules governing the frequency, time, location, notice, records to be inspected and manner of inspections. The Magnolia Terrace Homeowners Association has adopted the following:

Policy for Inspection and Copying of Records

I. Definitions:

- A.** *Copy* shall mean a copy of a record reproducible in its entirety on one side of a single 8 1/2 x 11 sheet. The association shall not be required to reproduce and make copies available of documents with a sheet size greater than 8 1/2 x 11.
- B.** *Member* is as defined in the general provisions of the Florida Statutes Chapter 720, (Homeowners' Associations) as amended from time to time. For the purpose of record inspection and copying only, the term "member" also includes a member's authorized representative as designated in a writing signed by the member and provided to the secretary in advance of the exercise of any authority thereunder. However, any designation by a member, an authorized representative for record inspection purposes shall only be valid for a period of 90 days, or until the member personally submits any record inspection request, whichever shall first occur.
- C.** *Official Records* are those records designated by the Florida Statutes Chapter 720, as amended from time to time. However, "official records" does not include the contents of sealed ballot envelopes that have been submitted to the association prior to the meeting at which the ballots will be opened and counted, nor the contents of sealed proxy envelopes that have been submitted to the association prior to the meeting at which the proxies will be opened, verified as legitimate, and submitted for counting.
- D.** *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, monthly bank statement with enclosures as sent by the bank, 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. An Association Director shall, in his or her sole discretion, determine what constitutes a single record. Under no circumstances does a record include any document not already in existence, nor records whose retention period has expired as provided for by law whether or not said records are still in existence. Requests for HOA emails will be specific in nature, by way of example, emails pertaining to type, such as complaints, requests for ACB approval, requests for statements and so on. Requests for emails pertaining to "all emails from time period beginning (start date) to (end date)" will be denied in their entirety.

E. *Time Periods.* When computing time periods herein, the day of the event from which the designated period of time begins to run shall not be included, nor shall any intervening Saturday, Sunday, legal or public holiday. The last day of the period so computed will be included unless it is a Saturday, Sunday, legal or public holiday, in which event the period shall run until the end of the next day that is neither a Saturday, Sunday, legal or public holiday. Legal and public holidays as used herein shall be deemed to be those holidays specified in Chapter 683, Florida Statutes as amended from time to time.

F. *Working Day* shall be deemed to a mean Monday, Tuesday, Wednesday, Thursday, or Friday that is not a legal holiday as defined above, between the hours of 9:00 a.m. and 4:00 p.m., local time.

II. Inspection and Copying

A. A member desiring to inspect the records of this association shall submit, on a working day, a written request to the Board of Directors. The request shall describe each record desired in sufficient specificity to identify it and must specify pertinent dates or time periods. The request must be legible, and must describe records by type such as listed in section 720.303(4), Florida Statutes, and not by transaction such as “all records relating to grounds care”.

B. Each written request to inspect the records shall contain no more than 10 records, or constitute in the whole more than 75 pages of material. Requests exceeding these limits will be denied in their entirety.

C. No more than one (1) written request to inspect the records shall be permitted from a single member and/or his or her authorized representative, or a single authorized representative irrespective of the number of members said individual represents, within a thirty (30) day period. Requests exceeding these limits will be denied in their entirety.

D. 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 six months. 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. Upon receipt of the written request, and within the time periods permitted by law, the association' shall respond to the member in writing designating the date, time, and place that the inspection shall occur, and that the inspection shall be limited to the records as detailed in the written request. In the event the Board asserts an exemption to disclosure, the member or authorized representative requesting the record shall be advised in writing of the specific grounds for exemption.

F. The record inspection shall occur at the time, date, and place designated by the association in its response to the member or authorized representative, and will be under the supervision of a person or persons designated by the association to monitor and assist in the record inspection. The record inspection session shall not extend beyond two hours. The Association may institute any supervision or reasonable security measures with regard to the record inspection.

G. During the record inspection, no mark whatsoever shall be made on any record, nor shall any pages affixed together by staple, paperclip or other means be disassembled, nor shall the records being inspected be altered from the sequence in which they were presented for the inspection. Further, no record shall be removed from the location of the inspection for any reason whatsoever.

H. The right to obtain copies of records is incidental to, and a part of, the inspection of records. During the inspection of records, a member or authorized representative may request the association to copy document

by placing a paper clip, post it memo sheet, or other similar marking device on the document or documents of which copies are desired, and by advising the supervising person of the location of the markings.

I. If during the inspection of the records, the member has determined the need or desire for a copy of said record, the association shall make or obtain those copies and provide same to the member within five (5) working days from the date of the record inspection and subject to the association receiving prior payment therefor.

J. The association is not required to make and/or mail or deliver record copies to the member or an authorized representative upon demand; but rather the member or authorized representative can obtain record copies or request same, as detailed herein, during the inspection.

K. A member shall pay to the association, in advance, the sum of 50 cents per page for copies of records, said payment to be cash, business or personal check, whichever the association specifies. The association shall, at its option prepare record copies on single sided sheets. The association shall not be required to copy two separate documents on a single page for the purposes of minimizing the per page copy cost.

L. Lists of members containing their addresses and/or phone numbers shall not be released by the member or the authorized representative, to anyone not a member in this association.

III. Manner of Inspection

A. No written request for inspection or copying shall be made in order to harass any member, resident, 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 business-like manner and shall not interfere with the operation of the association office or place where the records are otherwise inspected or copied.

IV. 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 ten (10) working days subsequent to receipt of the written request.

C. Verbal requests for inspection or copying will neither be honored nor acknowledged.

D. A request for record inspection and/or copies will be denied if the parcel owner has, within five (5) years preceding his demand, given, sold or offered for sale any list of parcel owners, or has aided or abetted any person in procuring any list of parcel owners for any such purpose.

E. A request for record inspection and/or copies will be denied if the parcel owner has, within five (5) years preceding his demand, improperly used any information secured through any prior examination of the records of this association. Improper use shall include the providing to anyone not an association member, a list of parcel owners that is subsequently used for non association or commercial purposes, or the selling or distribution of any information or records inspected.

F. The association reserves the right to amend these rules from time to time as deemed necessary.