

NORTH SHORE AT LAKE HART HOMEOWNERS ASSOCIATION, INC.

**PROCEDURAL RULES FOR INSPECTION AND COPYING
OF ASSOCIATION RECORDS**

SUBJECT: Adoption of procedural rules for inspection and copying of Association records by Owners and retention of Association official records.

PURPOSE: To implement reasonable rules governing the frequency, time, location, notice, and manner of Association records to be inspected by owners or members and identification of official records to be retained by Association.

AUTHORITY: Declaration of Covenants, Conditions and Restrictions for North Shore at Lake Hart, Bylaws and Article of Incorporation of the Association and pursuant to Florida Statutes governing Homeowners' Associations.

EFFECTIVE

DATE: **March 21, 2016**

RESOLUTION: The Association hereby adopts the following procedural rules for inspection and copying of official records of Association.

1. Official Records. The Association shall permanently retain the following records pursuant to Florida Statutes governing Homeowners' Associations:
 - (a) Copies of any plans, specifications, permits, and warranties related to improvements constructed on the common areas or other property that the association is obligated to maintain, repair, or replace.
 - (b) A copy of the bylaws of the association and of each amendment to the bylaws.
 - (c) A copy of the articles of incorporation of the association and of each amendment thereto.
 - (d) A copy of the declaration of covenants and a copy of each amendment thereto.
 - (e) A copy of the current rules of the homeowners' association.
 - (f) The minutes of all meetings of the board of directors and of the members, which minutes must be retained for at least 7 years.
 - (g) A current roster of all members and their mailing addresses and parcel identifications. The association shall also maintain the electronic mailing addresses and the numbers designated by members for receiving notice sent by electronic transmission of those members consenting to receive notice by electronic transmission. The electronic mailing addresses and numbers provided by unit owners to receive notice by electronic transmission shall be removed from association records when consent to receive notice by electronic transmission is revoked. However, the association is not liable for an erroneous disclosure of the electronic mail address or the number for receiving electronic transmission of notices.
 - (h) All of the association's insurance policies or a copy thereof, which policies must be retained for at least 7 years.

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- (i) A current copy of all contracts to which the association is a party, including, without limitation, any management agreement, lease, or other contract under which the association has any obligation or responsibility. Bids received by the association for work to be performed must also be considered official records and must be kept for a period of 1 year.
 - (j) The financial and accounting records of the association, kept according to good accounting practices. All financial and accounting records must be maintained for a period of at least 7 years.
 - (k) A copy of the disclosure summary described in s. 720.401(1).
 - (l) All other written records of the association not specifically included in the foregoing which are related to the operation of the association.
2. Inspection and Copying of Records. A parcel owner or member is entitled to inspect and copy official records of the Association subject to reasonable conditions and requirements set forth below:
- (a) The official records shall be made available to a parcel owner for inspection or photocopying in the community during regular business hours of 9:00 AM to 5:00 PM or within 45 miles of the community or within the county in which the association is located within 10 business days after receipt by the board or its designee of a written request.
 - (b) Parcel owners may obtain copies on request during the inspection if the entire request is limited to no more than 25 pages or copies may be made available at the next regularly scheduled Board Meeting if such meeting falls within 10 days of the written request.
 - (c) The Association reserves the right to have a third party present to observe during any inspection of official records by an Owner.
 - (d) Portable devices may be utilized, 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 at no cost.
 - (e) The association may impose fees to cover the costs of providing copies of the official records exceeds 25 pages in length, up to 25 cents per page for copies made on the association's photocopier. Fees may include the costs of copying, the costs required for personnel to retrieve and copy the records if the time spent retrieving and copying the records exceeds one-half hour and if the personnel costs do not exceed \$20 per hour.
 - (f) If the records requested to be copied exceed 25 pages in length, the association may have copies made by an outside duplicating service and may charge the actual cost of copying, as supported by the vendor invoice.
 - (g) No original book or record of the Association may be removed from the place of inspection nor shall any Owner alter, destroy or mark in any manner, any original book or record of the Association.
 - (h) The Association is not required to create records that do not exist or compile records in a particular format.
 - (i) The following records are not accessible to members or parcel owners:

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- (1) Any record protected by the lawyer-client privilege and any record protected by the work-product privilege, including, but not limited to, a 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 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.
 - (2) Information obtained by an association in connection with the approval of the lease, sale, or other transfer of a parcel.
 - (3) Personnel records of association or management company employees, including, but not limited to, disciplinary, payroll, health, and insurance records.
 - (4) Medical records of parcel owners or community residents.
 - (5) Social security numbers, driver license numbers, credit card numbers, electronic mailing addresses, telephone numbers, facsimile numbers, emergency contact information, any addresses for a parcel 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.
 - (6) Any electronic security measure that is used by the association to safeguard data, including passwords.
 - (7) 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 official records of the association.
 - (j) The Board may deviate from the above procedures if in its sole discretion such deviation is reasonable under the circumstances.
3. Limitation of Use. Association records shall not be used by parcel owner or member for:
- (a) Any purpose unrelated to an Owner's interest as an Owner.
 - (b) The purpose of soliciting money or property unless such money or property will be used solely to solicit the votes of the Owners in an Association election.
 - (c) Any commercial purpose.
 - (d) The purpose of giving, selling, or distributing such Association records to any person.
 - (e) Any improper purpose as determined in the sole discretion of the Board.

