

Prepared by/return to:
Matanzas Shores Owners' Association, Inc.
110 E. Collector Rd., Palm Coast, FL 32137

Matanzas Shores Owner's Association, Inc. (MSOA)

Official Records Requests Policy

These are the rules and regulations applicable to the inspection of the Official Records of Matanzas Shores Owner's Association, Inc. ("MSOA"), which have been adopted by the Board of Directors in accordance with Section 720.303(5) of the Florida Statutes (2020) and Art. VI, Section 4(b) of the Bylaws.

WHEREAS, Section 720.303(5)(c) of the Florida Homeowners' Association Act provides that the Association may adopt reasonable rules regarding the frequency, time, location, notice, records to be inspected and manner of record inspections; and

WHEREAS, the Board of Directors believes it is in the best interests of the Association to adopt rules and regulations, as contemplated by the above-referenced statute;

NOW, THEREFORE, the following rules and regulations governing inspections of the Official Records of MSOA are hereby adopted. Capitalized terms shall have the same meaning as defined in the Homeowners' Association Act and the Governing Documents of MSOA, except as the terms below are defined:

Act. The Homeowners' Association Act, Chapter 720 of the Florida Statutes (2020).

Association. Matanzas Shores Owner's Association, Inc. ("MSOA")

Official Records. The Official Records of MSOA, as enumerated in Section 720.303(4) of the Florida Statutes (2020), but excluding the records enumerated in Section 720.303(5)(c)1. though Section 720.303(5)(c)7. of the Florida Statutes (2020). Except as specifically stated herein, references herein to "records" shall be deemed to reference Official Records as defined in this Section.

Records Available. The Official Records enumerated in Section 720.303(4) of the Florida Statutes (2020). No information other than as defined above, or as required by law shall be available for inspection, unless the Association determines it to be in the best interests of the Association to make such information available for inspection.

Member. A Member of the Association as defined by the Governing Documents, which includes the record owner of a fee interest in a Unit.

Unit. A Residential Unit or a Commercial Unit as defined by the Association's Governing Documents.

A. INSPECTION

1. Only Official Records are available for inspection by Members and their Authorized Representatives in accordance with these rules and regulations. MSOA is not obligated to make any other record available for inspection, but the Board may choose to make any other records available for inspection in its sole discretion.

2. All Official Records will be maintained at the MSOA office located at 110 E. Collector Road, Palm Coast, FL 32137.
3. Any Member or Member's Authorized Agent who desires to inspect Official Records must submit a written request, sent by Certified U.S. Mail, Return Receipt Requested, to the Association at the address listed in Section 2 above. Requests made verbally, by fax, electronic mail (email), hand delivery, regular U.S. Mail or other means do not comply with these rules. The written request must specify the particular records the Member or Authorized Agent desires to inspect, including the title, category, and date (or approximate date range) of each Official Record. The specification of the particular Official Records desired to be inspected must be sufficiently detailed to permit the Association to retrieve the exact records requested; provided, however, that the Association is not obligated to organize any records in any instance and may comply with a records inspection request by making the records available as they are kept in the ordinary course of business. A Member's inspection request shall be deemed received by U.S. Certified Mail, Return Receipt Requested, on the date that the receipt card was signed, or first refused, by the Association. A Member's inspection request shall not be deemed received if the return receipt card or envelope containing the written request is marked as undeliverable by the USPS.
4. Inspection of Official Records shall be restricted solely to the records designated in the written request for inspection and shall be conducted solely by the Member signing the inspection request, or his or her Authorized Representative. No inspections of any other records shall be permitted. If more than one Member desires to inspect the same records, the Association may require that such inspections be conducted at different times provided that co-Owners of a Unit may inspect records together. If a Member has designated an Authorized Representative, either the Member 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 Authorized Representative if such representative is a Certified Public Accountant licensed to practice in Florida, or an Attorney at Law admitted to practice in Florida.
5. A Member shall not submit more than one (1) written request for inspection of records per calendar month. A Member and his or her Authorized Representative's right to inspect Official Records in accordance with these rules is exclusively limited to one inspection, on up to three business days in a calendar month, for up to eight hours cumulatively within the business hours of 9:00 a.m. to 5:00 p.m., in any one calendar month. Any request submitted more frequently or otherwise not in accordance with these rules shall be null and void and need not be acknowledged nor responded to by the Association.
6. Records shall generally be made available for inspection by the Association on or before the tenth (10th) business day after the Association's receipt of the written request. This time frame may be extended upon agreement of the Member. 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 time frame 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. After the Association's receipt of a written request, Official Records will be available for inspection by appointment during the hours of 9:00 AM – 5:00 PM Monday through Friday, excluding holidays and special events. No Owner shall be entitled to inspect records for more than eight (8) hours cumulatively in any calendar month. At the request of either the Member or the Association, the inspection may be conducted in sessions extending more than one business day, provided that three

- (3) inspection visits per calendar month shall be the maximum number of sessions in a calendar month, and eight (8) hours is the maximum cumulative inspection time in any calendar month.
7. If, during or after the inspection, a Member desires to have a physical copy of a record, the Owner shall designate in a separate writing, which record, or portion thereof, for which a copy is desired. The Association is not obligated to provide more than one (1) copy of any record requested to be copied. If the Member requests copies of 25 or fewer pages of records, which for the purpose of these rules a "page" shall constitute one side of one 8.5 x 11-inch sheet of paper, then copies of the records shall be available contemporaneously with the inspection if the Association has a photocopy machine available at the time of the inspection to make such copies. If, however, the records to be copied exceed 25 pages, or if there is no available copy machine, the Association may send the records to a third-party duplicating service, such as a commercial copying company, to make copies of the records for later pick-up by the Member. If the Member requests copies of records exceeding 25 pages, the Association shall not be obligated to make copies of 25 pages of the requested records and send the remainder to a third-party duplication service; instead, the Association may send all records to be copied to the third-party duplicating service for copying. If a third-party duplicating service makes the copies, the Association will notify the Member who requested copies when they have been provided to the Association and are available for pick-up at the MSOA office. **Members requesting copies must arrange for pick-up of records. The Association shall have no obligation to mail or otherwise deliver copies to any place.**
 8. The Association shall allow an Member or his or her 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 providing the Member or his or her Authorized Representative with a physical copy of such records. The Association may not charge a Member or his or her Authorized Representative for the use of a portable device.
 9. A Member who requests physical copies of Official Records shall pay the reasonable expense of copying. If the copies are made by the Association on its photocopier, the cost shall be twenty-five cents (\$.25) per page. If copies are made by a third-party duplicating service, the Member shall pay the actual costs charged by the third-party duplicating service. The Member shall pay the costs of copies in advance of the Association making the copies (if applicable) or in advance of the records being sent to the third-party duplicating service for copying. In addition to the foregoing, the Association shall impose fees to cover the costs required for personnel to retrieve and copy the records if the time spent retrieving and copying the records exceeds one-half hour. Personnel costs will be charged at twenty dollars (\$20) per hour. Personnel costs shall not be charged for records requests that result in the copying of 25 or fewer pages. The Association shall not be obligated to make any copy of any Official Record available unless and until payment for the copy is received by the Association.
 10. If records are kept electronically, the Association may print such records to paper.
 11. The Association may, but is not obligated to, comply with its obligation to make records available for inspection by providing them to the Member by electronic mail, the internet or making them available electronically in a format readable with customary programs used in computers of consumers. If, however, Member provides the Association with written notice that they do not have access to a computer, the Association must make the records available for inspection in paper format.

B. MANNER OF INSPECTION

1. For purpose of these rules a Member and the Member's Authorized Representative shall be considered one person. If inspection is requested by any person other than an Association Member, the Association shall not be obligated to recognize or comply with the request unless and until an Association Member designates such person as his or her Authorized Representative in a writing provided to the Association or unless such person is an Attorney at Law, admitted to practice in the State of Florida. If the inspection request is made through an Attorney licensed to practice law in Florida, the Attorney must identify the Member whom he or she represents; otherwise, if the Attorney fails to identify his or her client-Member, the Association shall not be obligated to recognize or comply with the request.
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 its personnel, or with the operations or personnel of any office where the records are kept.
3. No Official Records may be removed from the inspection location. No Member or Authorized Representative may destroy or alter any Official Record in any manner. Administrative or Management personnel may be assigned to be present during the inspection, and the costs for such personnel's presence may be charged to the inspecting Member in accordance with these rules.

C. ENFORCEMENT OF INSPECTION RULES

1. Any violation of these Rules may result in the immediate suspension of the inspection until the violator agrees in writing to comply herewith.
2. Any requests for inspection not strictly complying with these Rules need not be honored by the Association.
3. The Board of Directors enforce these rules through any legally-available means, including but not limited to the levy of fines or suspension of use rights, subject to the requirements of law.
4. Nothing in these Rules 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.
5. The Association's decision in any particular instance to derogate from these rules, including without limitation honoring an inspection request that is not made in strict compliance with these rules, shall not constitute a waiver of the Association's right to insist on strict compliance with these rules in any other instance.
6. 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 these Rules and make decisions and judgments arising hereunder without the need for Board approval on a case-by-case basis.

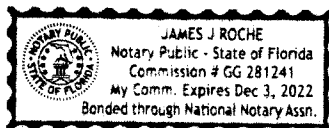
Approved by MSOA Board of Directors July 24, 2020.

Karen Hegarty
Karen Hegarty, as President

July 24
Date

STATE OF FLORIDA
COUNTY OF FLORIDA

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 24th day of July, 2020, by KAREN HEGARTY, as President of Matanzas Shores Owner's Association, Inc., on behalf of the corporation.



[Signature]
(Signature of Notary Public – State of Florida)
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known or Produced Identification
Type of Identification Produced: DMV License

These rules are subject to Chapter 720 of the Florida Statutes and any amendments thereto.