

Resolution by the Board of Directors
Rules and Regulation for
Membership Requests for Inspection of Association's Official Records

The Board of Directors for **Plantation Point Homeowners Association of Brevard, Inc.**, ["Association"] hereby adopts this Resolution as the Rules and Regulations which shall govern Membership official records requests of those official records kept pursuant to the governing document and state law, specifically, Chapter 720.303(4), Florida Statutes [2023], as renumbered or as amended from time to time. These Rules and Restrictions are effective immediately upon affirmative vote of a majority of the Board of Directors at a regularly noticed Board meeting.

Whereas the Board acknowledges current Florida law as set forth in full below, and which specifically authorizes an Association's Board of Directors to promulgate and establish reasonable restrictions regarding member's rights to inspect and copy official records; and,

Whereas the Board initiates this Resolution pursuant to that statutory authority set forth in Section 720.303(5)(c), Florida Statutes, see below for relevant text;

Therefore, it is established as follows:

Upon written request by a Member of the Association, the Member or authorized agent [an authorized agent must be either an attorney currently licensed to practice law in the state of Florida or shall be a person holding a valid power of attorney submitted in writing in advance for verification of proper format and execution by the Association's general counsel] shall be automatically deemed to have a standing invitation to inspect the Association's documents within ten (10) business days' time as held in the ordinary course of business by the Association or its community management firm. The Member's right to inspect records does not include any obligation for the Association's agents or Board to respond with answers to any embedded inquiry or to generate information or reports which are not kept in the regular course of business. Additionally, the Member's right does not include the right to demand interpretation or further explanation as to the documents as kept, as written. A Member does not have the right to bring guests, including other Owners, as the right to inspect is granted to a Member or the Member's representative, not to both.

The Association hereby adopts these reasonable written Rules and Regulations for Association Members to inspect the Association's official records, subject to the following restrictions:

1. **Frequency:** Owners of one (1) Lot shall have the equivalence of one (1) Membership right to invoke the right to inspect the Association's official records. Requests by multiple owners of the same Lot will be considered duplicate requests from that one Lot unless such multiple Owners own more than one (1) Lot within the Association. For example, a husband and wife who jointly

own one Lot within the community, and who do not own any additional Lots within the community, shall be deemed to represent one (1) membership interest, and such interest shall be entitled to one (1) inspection per calendar month. For purposes of this section and in conformity with the Homeowners' Association Act, the term "Member" shall refer a parcel owner or an association representing parcel owners or a combination thereof, and includes any person or entity obligated by the governing documents to pay an assessment or amenity fee. If a property is jointly owned or owned by a husband and wife, then only one Member or agent of the collective owners shall have a monthly inspection right. The joint or co-owners do not each have a separate and distinct right to inspection, but rather, the right is for one (1) representative Member from one (1) Lot. Similar to voting rights, if a person owns multiple properties within the Association, then the right to monthly inspection would equal the number of Lots owned. If the right to inspect in any given calendar month is not exercised, then that right is waived and shall not accumulate or carry over into subsequent months.

2. **Time:** During each calendar month, official records inspections shall be limited to Monday through Friday, excluding state or federal holidays, between the hours as set by the property management firm. Within such time, the Member shall be offered at least Eight (8) hours per month. The Association has no obligation to offer more than Eight (8) hours per month. Should the Member fail to appear at the offered inspection time, the Association has satisfied its obligation to provide the opportunity for that calendar month in response to the Member's written request. Should the Member wish to renew the inspection request, the Member must resend the written request, and that request shall constitute a new request and which inspection opportunity would fall to the next calendar month. The Association has no legal obligation to coordinate the time and date of the inspection, only to offer it to the Member.
3. **Location:** The location for the inspection shall be the office of the Association's records keeper which keeps such records in the ordinary and due course of business, unless the Association or its management team deems a more suitable location exists. In any case, the location shall be not more than 45 miles from the situs of the Association. The official records shall not be removed from the office of the Association's record keeper and any attempt to remove official records shall constitute an act of civil and criminal theft or conversion. Alternatively, the Association may, but is not obligated to, provide electronic copies or electronic access as a courtesy and in response to a Member's request for review of the official records, but only if the Member acknowledges that the Member waives any right or claim to conducting an in-person inspection.

4. **Required Notice of Intent to Inspect Official Records:** In order to avail themselves of the right to inspect the Association's records, the intent or desire of the Member to inspect must be clearly made in writing. Requests for copies of documents are not legally recognized requests and shall not constitute a request to inspect the official records. The written request for inspection of or access to the official records must be directed to the current property manager and must include language substantially similar to the following: "I wish to review, copy and/or inspect the Association's official records." Verbal or written requests to have the management company or another agent of the Association provide copies to the Member shall have no force or effect and shall not be interpreted as a request to inspect the Association's records. When a Member makes a request to review a particular category of or type of record, the Association's agent shall use reasonable and good faith efforts to determine what it is that the Member wishes to inspect. Members may use incorrect references or terminology when requesting specific types of documents, however, the Association's management team will attempt to interpret the meaning of the request and make a good faith effort to produce what would be the most responsive document to the Member's request. The inspection date will be within ten (10) business days of the property manager's receipt of the written notice, beginning with day one as the business day following receipt of the written request. Requests to inspect the official records are deemed received upon the property manager's receipt of the request, not the date the request was dated or sent.
5. **Inspection Oversight:** The Association or its Management Team may designate a person or persons, including law enforcement officers, to attend the records inspection to ensure that no documents are damaged, destroyed, or removed from the care and custody of the official records keeper's possession. Any person attending the records inspection on behalf of the Association is not present to answer questions, as a records inspection is not a question-and-answer session. The session may be videotaped by the Association or its Management team as part of the safekeeping of the records.
6. **Records to be Inspected:** Records defined by law as official records shall be open for inspection. Records deemed confidential, private, privileged or which are not statutorily defined as Association official records shall not be produced for inspection as there is no legal obligation to keep or produce such documents. The Member should limit the request to inspect official records to the following categories of documents each of which is set forth in the statute. The Official Records of the Association are defined and categorized as:

A. Non-privileged Official Records:

- (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 designated mailing addresses and parcel identifications. A member's designated mailing address is the member's property address, unless the member has sent written notice to the association requesting that a different mailing address be used for all required notices. The association shall also maintain the e-mail addresses and the facsimile numbers designated by members for receiving notice sent by electronic transmission of those members consenting to receive notice by electronic transmission. A member's e-mail address is the e-mail address the member provided when consenting in writing to receiving notice by electronic transmission, unless the member has sent written notice to the association requesting that a different e-mail address be used for all required notices. The e-mail addresses and facsimile numbers provided by members to receive notice by electronic transmission must be removed from association records when the member revokes consent to receive notice by electronic transmission. However, the association is not liable for an erroneous disclosure of the e-mail address or the facsimile 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.
- (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. The financial and accounting records must include:
 - a. Accurate, itemized, and detailed records of all receipts and expenditures.
 - b. A current account and a periodic statement of the account for each member, designating the name and current address of each member who is obligated to pay assessments, the due date and amount of each assessment or other charge against the member, the date and amount of each payment on the account, and the balance due.
 - c. All tax returns, financial statements, and financial reports of the association.
 - d. Any other records that identify, measure, record, or communicate financial information.
- (k) A copy of the disclosure summary described in s. 720.401(1).
- (l) Ballots, sign-in sheets, voting proxies, and all other papers and electronic records relating to voting by parcel owners, which must be maintained for at least 1 year after the date of the election, vote, or meeting.
- (m) All affirmative acknowledgments made pursuant to s. 720.3085(3)(c)3.
- (n) All other written records of the association not specifically included in this subsection which are related to the operation of the association.

B. Privileged Official Records which will not be produced irrespective of a Member's written request:

1. Any record protected by the lawyer-client privilege as described in s. 90.502 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. Information an association obtains in a gated community in connection with guests' visits to parcel owners or community residents.
4. Personnel records of association or management company employees, including, but not limited to, disciplinary, payroll, health, and insurance records. For purposes of this subparagraph, the term "personnel records" does not include written employment agreements with an association or management company employee or budgetary or financial records that indicate the compensation paid to an association or management company employee.
5. Medical records of parcel owners or community residents.
6. 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. Notwithstanding the restrictions in this subparagraph, an association may print and distribute to parcel owners a directory containing the name, parcel address, and all telephone numbers of each parcel owner. However, an owner may exclude his or her telephone numbers from the directory by so requesting in writing to the association. An owner may consent in writing to the disclosure of other contact information described in this subparagraph. The association is not liable for the disclosure of information that is protected under this subparagraph if the information is included in an official record of the association and is voluntarily provided by an owner and not requested by the association.
7. Any electronic security measure that is used by the association to safeguard data, including passwords.
8. 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.
9. All affirmative acknowledgments made pursuant to s. 720.3085(3)(c)3.

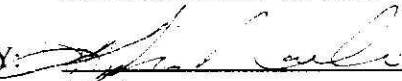
Records that do not exist, or which would be the result of the Association creating a new document based upon existing documents or information are not official records. Emails that do not involve the property manager's designated email address do not constitute an official record of the Association. If a Member requests documents which are not set forth in list of Official Records, as may be

amended by Florida Statute from time to time, or which do not exist, then the Association has no obligation to provide access to documents which do not constitute an Official Record.

7. **Manner of Inspections:** Given the fact that many documents kept in the ordinary course of business are documents of legal importance or are original documents, the destruction or loss of an Association's official document can have a major impact as to rights or liability of the Association. For that reason, Member inspection and review of Association official records will be supervised by an employee of the official records keeper to ensure the safety of the official records. This person need not be a licensed community manager and will not be able to answer questions of the Member during inspection.
8. **Invalid Restraints on Inspection:** These Rules and Restrictions shall not act to create any improper restriction and do not require or necessitate that a Member demonstrate any proper purpose for the inspection, to state any reason for the inspection, or act to limit a Member's opportunity to inspect the official records for less than one 8-hour business day per month during regular business hours per calendar month.
9. **Cost of Inspection, including Retrieval of Documents & Copies of Official Records:** The Association is entitled to impose fees and costs related to a Member's request to review official records. The Association shall impose fees to cover the costs of providing copies of the official records, including the costs of copying and 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 \$20.00 per hour unless a higher rate is provided by Florida Statute. Personnel costs will not be charged for records requests that result in the copying of 25 or fewer pages. The Association will charge Twenty-Five (\$0.25) cents per page for copies made on the Association's or its agent's photocopier. If the Association or its agent does not have a photocopy machine available where the records are kept, or if the records requested to be copied exceed 25 pages in length, the Association at its agent's discretion may have copies made by an outside duplicating service and will charge the actual cost of copying, as supported by the vendor invoice, payable by the Member at the time of pick-up. The Association or its agent shall have no obligation to release the copies to the Member if the Member refuses to pay in advance or at the time if picking up the above mandated fees and costs which is a monetary obligation due and owing to the Association. Failure to pay a monetary obligation to the Association may render a Member ineligible from Board service or ineligible to stand as a candidate for the Board of Directors.

The undersigned hereby certifies that the above is a true and correct copy of the Policy approved by the Board of Directors at its duly noticed meeting held on 27, November 2024.

**PLANTATION POINT HOMEOWNERS
ASSOCIATION OF BREVARD, INC.**

BY: 
(sign)
Kyle Nowlin as President
(print)

President of Plantation Point Homeowners
Association of Brevard, Inc.

DATE: 21 December 2023