

**DEER ISLAND OF KILARNY  
HOMEOWNER'S ASSOCIATION, INC.**

**RULES AND REGULATIONS REGARDING INSPECTION  
AND COPYING OF ASSOCIATION RECORDS**

Section 730.303(5), Florida Statutes, states in pertinent part:

(5) **INSPECTION AND COPYING OF RECORDS.**—The official records shall be maintained within the state for at least 7 years and shall be made available to a parcel owner for inspection or photocopying 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. This subsection may be complied with by having a copy of the official records available for inspection or copying in the community or, at the option of the association, by making the records available to a parcel owner electronically via the Internet or by allowing the records to be viewed in electronic format on a computer screen and printed upon request. If the association has a photocopy machine available where the records are maintained, it must provide parcel owners with copies on request during the inspection if the entire request is limited to no more than 25 pages. An association shall allow a 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's providing the member or his or her authorized representative with a copy of such records. The association may not charge a fee to a member or his or her authorized representative for the use of a portable device.

These Rules and Regulations Regarding Inspection and Copying of the Association Records are adopted in accordance with the foregoing recited statutory provision.

**I. "RECORDS" DEFINED**

The official records available for inspection and copying are those designated by the Florida Homeowner's Association, as amended from time to time.

## **II. PERSONS ENTITLED TO INSPECT OR COPY**

Every parcel owner shall have the right to inspect or copy the official records pursuant to the following rules.

## **III. MANNER OF INSPECTION AND COPYING**

- A. A parcel owner desiring to inspect the Association's records shall submit a written request to the Property Manager, or if there is no Property Manager, then by written request to the President of the Association. If the written request is sent via email, it must be sent to both the Property Manager's then current email address and also to the Association at its then current email address. A parcel owner's failure to send an email request to both email addresses shall be considered a violation of these rules which relieves the Association of its duty to permit inspection and copying of the official records. Delivery by any means other than written request, or to any other person, member, director, or officer shall not constitute valid delivery to the Association. The request must be specific, identifying the particular record(s) subject to the inspection request, including pertinent dates or time periods covered thereby, except that no single request shall request records covering a greater period than two (2) consecutive years. The request must be sufficiently detailed to allow the Association to understand and locate the records requested.
- B. Inspection or copying of records shall be limited to those records specifically requested or permitted by law, except that the Association may, at its option, produce records containing the requested records, and may allow inspection of all records so produced, provided the Association shall be under no obligation to isolate, locate, sort or designate the specific records requested. Tenants may only inspect the Association's bylaws and rules and regulations, or such other documents as may, from time to time, be permitted by law.
- C. No parcel owner shall submit more than one written request for inspection in a two-week period nor for copying of the same record more than once in a ninety (90) day period.
- D. All inspections of records shall be conducted at the Association's office, or at the location where the official records are located, or at such other location designated by the Association. No parcel owner shall remove original records from the location of inspection. No alteration of the original records shall be allowed.
- E. The parcel owner shall be responsible for ensuring that all of the official records are properly returned to the exact location within each file, folder, book, notebook, or box from which the record was removed for inspection and copying. The parcel owner shall be liable for any and all actual costs incurred by the Association to reorganize any records misplaced or misfiled by the parcel owner during any inspection.



F. On or before the tenth (10th) business day subsequent to the actual receipt by the Association of the written request for inspection, the Association shall:

(1) notify the parcel owner in writing, that the records are available on a specific time, date and place for such inspection, or this time frame may be extended by written or oral request of the parcel owner. In addition, this time frame shall be extended in the event records are so voluminous or otherwise in such condition as to render this time frame unreasonable.

Unless mutually agreed to the contrary, inspection shall be made only on working days during normal Association business hours or normal business hours of the location of inspection if other than the Association office. (For the purposes herein the term "working days" shall mean Monday through Friday, exclusive of federal, state and local holidays in which the office of the Association is closed. For purposes herein "normal business hours" shall be the hours that the Association office is customarily opened, or the hours at the location where the records are inspected are customarily opened, or if there are no customary hours, then between 8:00 A.M. and 12:00 P.M. and 1:00 P.M. to 5:00 P.M. of each working day.)

G. No parcel owner may inspect the official records more than two (2) times per month. Additionally, each inspection session shall be limited to no more than four (4) hours per inspection, for a total of eight (8) hours per month during normal business hours.

H. If a parcel owner desires to obtain a copy of any record, the parcel owner shall designate in writing which record is desired, or in the alternative shall designate such record by use of a tab or clip upon the pages desired. If the location of inspection has a copy machine, then copies of the record shall be available within two (2) working days of the request. If the location of inspection has no copy machine, then copies shall be made available upon return of the records from a copying service. In the event the above referenced time frame is impracticable due to the voluminous nature or condition of the records, then copies will be made available as soon as is practical.

I. A parcel owner shall pay the reasonable expense of copying. Copies shall cost \$.25 per page, or the actual charges imposed by a commercial copy service. In the event the cost exceeds \$5.00, payment in advance of copying may be required. A parcel owner may 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's providing the parcel owner with a copy of such records.

J. No single request for copies shall exceed one hundred (100) pages of materials.

K. No written request for inspection or copying shall be made in order to harass or retaliate against any member, resident or Association agent, officer, director or employee. Nor shall the right to inspect be used to circumvent the discovery rights and

obligations provided for by law or in the administrative regulations in matters that are the subject of arbitration proceedings or litigation.

L. All persons inspecting or requesting copies of records shall conduct themselves in a businesslike manner and shall not interfere with the operation of the Association office or the office where the records are otherwise inspected or copied. The Association office, or office of inspection, shall assign one staff person to assist in the inspection and all requests for further assistance and copying during inspection shall be directed to that staff person.

M. Association may maintain a log detailing:

1. The date of written request for inspection, and
2. The name of the requesting party, and
3. The records which are requested, and
4. The date the parcel owner was notified of the availability of the records, the manner in which notice was given and the identity of the person giving the notice, and
5. The date of availability of records for inspection or copying, and
6. The date of actual inspection or copying, and
7. The signature of the person inspecting or copying records, acknowledging, receipt of the records. Every person inspecting or receiving copies of the records shall sign said receipt prior to inspection or receipt of copies.

N. The Association shall have no obligation to compile or assemble information from one source into another but shall direct the parcel owner to the records from which the requested information may be obtained. The records may be produced in the manner in which the records are maintained in the ordinary course of the Association's business.

O. Unless otherwise provided by law, the Association need not honor requests to copy and mail records to parcel owners.

P. If a parcel owner shall fail to appear at a previously scheduled inspection, or appears more than thirty (30) minutes after the scheduled start of the inspection, no further inspection by such parcel owner shall occur for at least sixty (60) days thereafter, unless the parcel owner requesting inspection includes with the written request for inspection an estimated prepayment for the copy charges, which shall in no event be less than \$25.00.

Q. If the parcel owner desires copies of any information which is maintained on computer disc or other electronic media (exclusive of video images described in Section IV, supra), then the parcel owner shall provide at the parcel owner's expense a floppy disc, writable Compact Disc (R-CD or RW-CD), writable Digital Video Disc (DVD), thumb drive, or such other electronic storage media as required to reproduce the records. The Association shall notify the parcel owner of the type of storage media



required at the time of the inspection of the records. Thereafter, the electronic media copy shall be available within two (2) working days of the inspection. The Association shall not be obligated to produce the electronic records in any particular format or program language other than the format and/or program language in which the records are maintained in the ordinary course of the Association's business. Additionally, the Association shall not be obligated to provide to the parcel owner a copy of the program by which the information is electronically stored and/or maintained. Hard copies of any information maintained on computer disc or other electronic media shall be available as elsewhere provided in these rules.

#### **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 requests for inspection and copying not complying with these rules shall not be honored. However, the Association shall indicate in writing the nature of the non-compliance and transmit same to the requesting party.
- C. The Board of Directors may take any available legal action to enforce these rules, including the levy of a fine in the event fining is authorized by the Association's documents.
- D. The Association shall be under no obligation to provide access to or copies of records for which the Association incurs any expense in obtaining, producing or reproducing such records, if the parcel owner requesting inspection shall have an unpaid outstanding obligation to the Association related either to prior responses to inquiries or prior inspection and copying of records, whether pursuant to Chapter 720, F.S. or pursuant to discovery in court proceedings. If the facts and circumstances indicate that the inspection or copying is being made on behalf of another, no access to or copies of

records for which the Association incurs any expense in obtaining, producing or reproducing such records shall be allowed until the owner on whose behalf the inspection or copying is being made has paid all outstanding obligations to the Association related either to prior responses to inquiries or prior inspection and copying of records.

The Association shall advise the parcel owner in writing that the records will be produced and available for copying when the outstanding indebtedness is paid in full.

Revised and adopted this 20<sup>th</sup> day of ~~May~~<sup>June</sup> 2024.

BOARD OF DIRECTORS

BY:   
Secretary

Adopted: 6-20-2024