

# Ocean Ritz Condominium Association, Inc.

## Rules and Regulations Regarding Inspection and Copying of Records

### I. Definitions.

- A. **Copy** shall mean a copy of a record reproducible in its entirety on one side of either a single 8 ½ x 11 or a single 8 ½ x 14 sheet. The association shall not be required to reproduce and make copies available of documents with a sheet size greater than 8 ½ x 14.
- B. **Official Records** are those records designated by the Florida Condominium Act, as amended from time to time, and otherwise not excluded by law, rule, or court decision. However, “official records” does not include the contents of sealed ballot envelopes that been submitted to the association prior to the meeting at which the ballots will be opened and counted (See Fla. Admin. Code r. 61B-23.0021(1), nor the contents of sealed proxy envelopes that have been submitted to the association prior the meeting at which the proxies will be opened, verified as legitimate, and submitted for counting, nor the contents of sealed ballot envelopes that have been marked “Disregarded” during the ballot counting process, although in all cases the outer envelope shall be an “official record.”
- C. **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. The Secretary 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 or rule and been destroyed. Records not maintained in written form may be requested; however, the cost of conversion of the record into written form will be borne by the requesting unit owner.

In accordance Chapter 718, Florida Statutes, the following records are not accessible: (1) any information or record protected by the lawyer-client privilege involving pending or threatened litigation, (2) any information or record involving pending or threatened litigation which is protected by the lawyer work-product privilege, (3) any information or record in connection with the lease, sale, or other transfer of a Unit, (4) any information or record concerning the disciplinary, health, insurance and personnel records of association employees, (5) any information or records concerning the medical records of unit owners or community residents, (6) any social security numbers, driver’s license numbers, credit card numbers, e-mail addresses, telephone numbers, emergency contact information, any addresses of a unit owner other than as provided to fulfill the association’s notice requirements, and other personal identifying information of any person, excluding the person’s name, unit designation, mailing address, and property address, (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 manipulation of data, even if the unit owner owns a copy of the same software used by the association and (9) any information or records now or hereafter not available to unit owners pursuant to Florida Statutes, Section 718.111(12), as amended or renumbered from time to time.

- D. **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 unless otherwise provided by law. The last day of the period so computed will be included unless it is 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.
- E. **Unit** is as defined in the Florida Condominium Act, as amended from time to time.
- F. **Unit Owner** is as defined in the Florida Condominium Act, as amended from time to time. For the purposes of record inspection and copying only, the term “unit owner” also includes a unit owner’s authorized representative as designated in a writing signed by the unit owner and provided to the Secretary in advance of the exercise of any authority thereunder. However, any designation by a unit owner of an authorized representative for record inspection purposes shall only be valid for a period of 90 days, or until the unit owner personally submits any record inspection request, whichever shall occur first.
- G. **Working Day** shall be deemed to mean Monday, Tuesday, Wednesday, Thursday, or Friday that is not a legal or public 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 unit owner desiring to inspect the record of this organization shall submit, a written request by certified mail to the Secretary. The request shall describe each record desired in sufficient specificity to identify it, and must specify pertinent dates or time. The request must be legible and must describe records by type such as listed in section 718.111(12), Florida Statutes, and not by subject matter such as “all insurance information.”
- B. Upon receipt of the written request and within the time periods permitted by law, the association shall respond to the unit owner 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 Secretary asserts an exemption to disclosure, the unit owner or authorized representative requesting the record shall be advised in writing of the specific grounds for exemption.
- C. The record inspection shall occur at the time, date, and place designated by the association in its response to the unit owner 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 (2) hours. The Secretary may institute any supervision or reasonable security measures with regard to the record inspection.
- D. 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 are presented for the inspection. Further, no record inspection shall occur under circumstances which cause the record to be removed from the location of the inspection for any reason whatsoever.
- E. The right to obtain copies of records is incidental to, and a part of, the inspection of records. During the inspection of records, a unit owner or authorized representative may request the association to copy any 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 number of location of said marking devices.
- F. If during the inspection of the records, the unit owner has determined the need or desire for a copy of said record, the association shall make or obtain those copies and provide the same to

the unit owner within five (5) working days from the date of the record inspection and subject to the association receiving prior payment therefore. The association may offer the option of making the records available to a unit owner electronically via the Internet or by allowing the records to be viewed in electronic format on a computer screen and printed upon request. The association is not responsible for the use or misuse of the information provided to an association member or his or her authorized representative pursuant to the compliance requirements of this chapter unless the association has an affirmative duty not to disclose such information pursuant to this chapter. The requesting owner shall be allowed 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.

- G. The association is not required to make and/or mail or deliver record copies to the unit owner or an authorized representative upon demand; but rather the unit owner or authorized representative can obtain record copies or request the same, as detailed herein, during the inspection.
- H. A unit owner shall pay to the association, in advance, the sum of 25 cents per page for copies of records, said payment to be either cash, business or personal check, whichever the association specifies. The association shall, at its option prepare record copies on single-sided sheets or duplexed. A duplexed copy shall be, for the purposes of the 25 per page charge, two copies. The association shall not, however, be required to copy two separate documents on a single page for the purposes of minimizing the per page copy cost.

### **III. Manner of Inspection.**

- A. No written request for inspection or copying shall be made in order to harass any unit owner, resident, association agent, officer, director, or employee.
- B. 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 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 suspension of the inspection or copying until such time as the violator agrees in writing to comply herewith.
- B. Any written request 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 five (5) working days subsequent to receipt of written request.
- C. Verbal requests for inspection will neither be honored nor acknowledged.
- D. The association reserves the right to amend these rules from time to time as deemed necessary.
- E. The association may take any available legal action to enforce these rules.

Adopted by the Board of Directors on \_\_\_\_\_