

# **RULES AND REGULATIONS REGARDING INSPECTION AND COPYING OF SPARKLING WATERS HOMEOWNERS ASSOCIATION RECORDS**

## **I. RECORDS DEFINED**

The official records available for inspection and copying are those designated by Chapter 720, Florida Statutes, as amended from time to time. Exempt records shall not be produced by the Association.

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

Every lot owner or the lot owner's authorized representative, as designated in writing, (hereinafter collectively referred to as "owner") shall have the right to inspect or copy the official records pursuant to the following rules.

## **III. INSPECTION AND COPYING**

**A.** An owner desiring to inspect the Association's records shall submit a written request to the Secretary or President of the Association by hand delivery or certified mail, and no requests by email are permitted. The request must specify the particular record(s) requested for the inspection, including pertinent dates or time periods, and shall state whether the request is for inspection or simply a request for photocopying. The request must be sufficiently detailed to allow the Association to retrieve the records requested.

**B.** Inspection or copying of records shall be limited to those records specifically requested in advance, in writing.

**C.** No owner may submit more than two requests per month and the inspection of records shall not exceed eight hours in duration per month.

**D.** All inspections of records shall be conducted at the Association's record address or at such other location designated by the Association in response to a request from an owner or their designated representative. No owner or representative of an owner shall remove original records from the location of inspection. No alteration of the original records shall be allowed. The Association may offer the option of making the records of the Association available to an owner or their representative either electronically via the Internet or by allowing the records to be viewed in electronic format on a computer screen and printed upon request.

**E.** Records shall be made available for inspection by the Association on or before the tenth working day subsequent to actual receipt by the Association of the written request for inspection. This time frame may be extended by written request of the owner or the owner's representative. In addition, this time frame shall be extended in the event records are voluminous or otherwise in such condition as to render this time frame unreasonable. The Association shall notify the owner or the owner's representative, by telephone, in person, or in writing, that the records are available and the time, date and place for such inspection.

**F.** Inspections shall be made only by appointment, between the hours of 9 a.m. to 5 p.m. on days the Association office is open or as otherwise designated by the Board or Manager.

**G.** If an owner desires to obtain a copy of any record, the owner or their representative shall designate in writing which record is desired or, during an inspection, the owner or their representative may designate such record by use of a tab or clip upon the pages desired. Any written request shall designate the specific record or portion thereof. Copies of the record(s) shall be available within ten working days of receipt of the request, unless the owner brings their own copying or scanning equipment with them. 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 practicable.

**H.** An owner shall pay up to twenty-five cents per page for regular computer printouts, and actual costs of each photocopy or CD/DVD, payable in cash or by personal check, at the time the copies (or electronic files) are delivered; provided however, payment in advance of copying may be required by the Association in its representatives' discretion, taking into account such factors as the amount of the copying charge, the payment record of an owner, and other relevant factors. The Association may also charge any reasonable costs involving personnel fees and charges at an hourly rate for vendor or employee time to cover administrative costs to the vendor or Association.

**I.** The Association is not required to provide a prospective purchaser or lienholder with information about the residential subdivision or the Association other than information or documents required by Chapter 720, Florida Statutes, as amended from time to time.

**J.** The Association may impose fees to cover the costs of providing copies of the official records, including 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 \$40 per hour. Personnel costs may not be charged for records requests that result in the copying of 25 or fewer pages.

#### **IV. MANNER OF INSPECTION**

**A.** No inspection or copying of records shall be conducted in a manner to harass any owner, resident or 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 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 only to that staff person.

**C.** The Association may maintain a log detailing:

1. The date of receipt of the written request for inspection;
2. The name of the requesting party;
3. The requested records;
4. The date the owner was notified of the availability of the records;

5. The date the records were made available for inspection or copying;
6. The date of actual inspection or copying;
7. The signature of the owner or the owner's representative acknowledging access to the records and receipt of same (if applicable). Every person inspecting or receiving copies of records shall sign said log or a comparable receipt prior to inspection or receipt of copies.

**V. 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 written requests for inspection or copying not complying with these rules shall not be honored. The Association shall indicate in writing the nature of the non-compliance and transmit same to the requesting party within ten working days subsequent to receipt of the written request from the unit owner. Any nonconforming requests for inspection or copying may be responded to by the Association representative notifying the requesting person of the existence of these rules and pointing out the necessity of complying herewith.
- C.** The Board of Directors may take any available legal action to enforce these rules.

ADOPTED by the Board of Directors of the Sparkling Waters Homeowners Association, Inc. by a vote of 4 to 0 on this 1st day of October 2023.

Sparkling Waters Homeowners Association, Inc.

By:

Barry S. Graham

Position: President

By:

Alicia G. Graham

Position: Secretary/Treasurer