

ASSOCIATION RESOLUTION:
RIVIERA DUNES MASTER ASSOCIATION
RULES AND REGULATIONS
REGARDING INSPECTION/COPYING OF RECORDS AND INQUIRES

Whereas Unit Owners or Parcel Owners are entitled to make requests to inspect and copy Association official records pursuant to Section 720.303(5), Florida Statutes; and

Whereas, in order to assure that the Association is able to respond timely to all Unit Owners or Parcel Owner who may make official record requests, and not be burdened with excessive or repetitive requests from any one Unit Owner or Parcel Owner, the Board finds it to be in the best interest of the Association and its members to adopt rules and regulations, as authorized by Section 720.303(5)(c), Florida Statutes, to limit and regulate the frequency and manner of Unit Owner or Parcel Owner requests; and

Whereas, as authorized by Section 720.303, Florida Statutes, the Board finds it appropriate to promulgate certain rules with respect to the frequency time, location, notice, and manner of inspecting the Official Records and the making of copies.

Now therefore be it resolved RIVIERA DUNES MASTER ASSOCIATION that the Rules and Regulations of the Association are amended by adding thereto the following provisions:

I. DEFINITIONS.

A. Copy shall mean a copy of a record reproducible in its entirety on one side of either a single letter size (8 ½ x 11) or a single legal size (8 ½ x 14) sheet.

B. Official Records are those records designated by Florida Statute Chapter 720, as amended from time to time, and otherwise not excluded by law, rule, or court decision. The official records consist of all of the documents creating and governing the homeowners' association. The records must be maintained by the association in the state of Florida and, upon written request, made available to members or their authorized representative for their inspection. Failure to comply with a written request for access within ten (10) business days entitles the member to damages from the association for its willful failure to provide the records. The parcel owner is not required to give a reason for the inspection request and the association may not adopt and impose a rule for doing so.

C. Non-accessible Records are the following records, documents, or group of documents protected by Florida Statute 720.303, which include but may not be limited to:

1. Any record protected by the lawyer-client privilege as described in Florida Statute 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. 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.
4. Medical records of parcel owners or community residents.
5. 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. The Association has deemed that a unit/parcel owner's signature is considered personal identifying information and therefore shall be considered a non-accessible record. Notwithstanding the restrictions in this subparagraph, an association may print and distribute to parcel owners a directory containing the name, parcel address, and telephone number of each parcel owner. However, an owner may exclude his or her telephone number from the directory by so requesting in writing to the association. 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.

6. Any electronic security measure that is used by the association to safeguard data, including passwords.

7. 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.

8. The association or its authorized agent is not required to provide a prospective purchaser or lien holder with information about the residential subdivision or the association other than information or documents required by this chapter to be made available or disclosed. The association or its authorized agent may charge a reasonable fee to the prospective purchaser or lien holder or the current parcel owner or member for providing good faith responses to requests for information by or on behalf of a prospective purchaser or lien holder, other than that required by law, if the fee does not exceed \$150 plus the reasonable cost of photocopying and any attorney fees incurred by the association in connection with the response.

9. Official records does not include the contents of sealed ballot envelopes that have been submitted to the association prior to the meeting at which the ballots will be opened and counted nor the contents of sealed proxy envelopes that have been submitted to the association prior to 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." In addition, the definition does not limit any documents which are not accessible to members or parcel owners pursuant to Florida Statute 720.303(5)(c)(1).

D. 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 whether or not said records are still in existence. 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 or Parcel Owner.

E. 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. The last day of the period so computed will be included unless it is a Saturday, Sunday, legal or public holiday, in which event the period shall run until the end of the next day that is neither 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.

F. Unit/Parcel is as defined in the Declaration of Covenants and Restrictions of the Association as well as in Florida Statute Chapter 7120, as amended from time to time.

G. Unit/Parcel Owner is as defined in the Declaration of Covenants and Restrictions of the Association as well as in Florida Statute Chapter 720, 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 there under. 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 first occur. For purposes of these rules, Unit Owner and Parcel Owner are interchangeable and may be used interchangeably from time to time

H. Working Day shall be deemed to a mean Monday, Tuesday, Wednesday, Thursday, or Friday that is not a legal 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 or Parcel Owner desiring to inspect the records of this organization shall submit, on a working day, a written request to the Secretary. The written request must be sent via regular mail or hand delivered. The request shall describe each record desired in sufficient specificity to identify it, must specify pertinent dates or time periods. The request must be legible and must describe records by type such as listed in section 720.303(4), Florida Statutes, and not by subject matter such as, for example, "all insurance information."

B. No more than one (1) written request to inspect the records shall be permitted from a single Unit Owner, Parcel Owner and/or his or her authorized representative, or a single authorized representative irrespective of the number of unit owners said individual represents, within a thirty (30) day period.

C. A Unit Owner or Parcel Owner may inspect the Official Records during regular business hours of the Association office, during a time not to exceed two (2) hours per inspection. If the inspection time involves the lunch hour, from 12:00 noon to

1:00 p.m., then the Unit Owner or Parcel Owner shall be required to leave at noon and resume his inspection at 1:00 p.m. so that the Association staff and other Association representatives present, if any, may enjoy a lunch hour.

D. Once the record has been inspected by the Unit Owner or Parcel Owner or by an authorized representative, or a copy obtained by the unit owner or authorized representative, if the record has not changed, it is not subject to further requests for inspection and/or copying by that unit owner or authorized representative for a period of six (6) months. Any record inspection scheduled as the result of the receipt of a request shall be deemed to be an inspection of all records listed in said request that were not previously indicated as exempt or unavailable.

E. 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.

F. 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 hours. The Secretary may institute any supervision or reasonable security measures with regard to the record inspection.

G. 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 leave the control of the association, nor shall any record be removed from the location of the inspection for any reason whatsoever.

H. 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 Parcel 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 and location of said marking devices.

I. If during the inspection of the records, the Unit Owner or Parcel Owner has determined the need or desire for a copy of said record, the association shall make or obtain those copies and provide 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.

J. The association is not required to make and/or mail or deliver record copies to the Unit Owner or Parcel Owner or an authorized representative upon demand; but rather the unit owner or authorized representative can obtain record copies or request same, as detailed herein, during the inspection.

K. The association is not required to organize or assemble records in any particular manner for an inspection except for the Association's convenience.

L. Unit Owner or Parcel Owner shall not have the right to inspect or copy those records which are declared to be non-accessible to Unit Owners by law, including but not limited to those documents and records provided for in Florida Statutes 720.303, and those previously defined.

M. Though the association may not charge members a fee for simply inspecting the official records, it may impose a fee to cover the cost of copying them. If the association has a copy machine available and the request is for 25 pages or less, the association will charge 25 cents per page for the copies.

N. In instances where the association does not have a copy machine available or where copy requests exceed 25 pages, the association may have copies made by an outside vendor and charge the member for actual costs of copying.

O. The Association will impose a fee to cover the cost 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 to spent retrieving and copying the records exceeds one-half hour and such personnel cost shall be charged to the Unit Owner or Parcel Owner in the amount of \$20 per hour. Payment is required prior to the delivery of records.

P. A Unit Owner or Parcel Owner shall pay to the association, in advance, the sum of 25 cents per page for copies of records, said payment to be either in cash, business or personal check, whichever the association specifies. The association shall, at its option prepare record copies on single-sided sheets or duplex. A duplex copy shall be, for the purposes of the 25 cents 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.

Q. Lists of Unit Owners or Parcel Owners containing their addresses and/or phone numbers shall not be released by the unit owner or the authorized representative to anyone not a Unit Owners or Parcel Owners in this association.

R. The association shall allow a member or his or her authorized representative to use a portable device, such as a Smartphone, tablet, portable scanner, or other technology capable of scanning or taking pictures, to make an electronic copy of the official records in lieu of providing the member or his or her representative with a copy of such records. The association may not charge a fee for such use of a portable device.

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, manager, or employee. Inspection and copying requests not in conformance with these rules will be deemed to be harassment.

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.

C. Failure to adhere to these rules will cause for a prompt termination of the inspection of any and all documents, however, this statement does not limit or restrict the rules noted in Section V below.

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 written requests 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 seven (7) working days subsequent to receipt of the written request.

C. Verbal or e-mailed requests for inspection copying will neither be honored nor acknowledged.

use is for a proper purpose as defined in section 607.1602(3) or 671.1602(4), Florida Statutes, as applicable.

F. The association reserves the right to amend these rules from time to time as deemed necessary.

G. The association may take any available legal action to enforce these rules.

The above Rules & Regulation regarding THE INSPECTION/COPING IF RECORDS AND INQUIRES was adopted by the RDMA Board on this 23 day of August 2021, shall be effective immediately.

and

IN WITNESS WHEREOF, the undersigned has hereunto affixed his/her hand and the seal of the Association this 23rd day of August, 2021.

By: Delmar Sperry RDMA President

Print Name: D. SPERRY

Print Here

Title: RDMA President

Certificate of Corporate Secretary

The undersigned hereby certifies that he/she is the Secretary of

Riviera Dunes Master Association, Inc.

a corporation organized and existing under the laws of the State of Florida; that the foregoing is a true and correct copy of a resolution adopted at a meeting of the Board of said corporation held on this day of August 23, 2021 at which meeting a quorum was at all times present and acting; that the passage of said resolution was in all respects legal; and that said resolution is in full force and effect.

Dated this 23 day of August, 20 21

By: Saul Fineman

Print Name: Saul Fineman

Print Here

Title: Secretary