

RULES FOR UNIT OWNER INQUIRIES; OFFICIAL RECORDS INSPECTION & ELECTRONIC COMMUNICATIONS

Whereas, Unit Owners are entitled to make inquiries by certified mail pursuant to Section 718.112, Florida Statutes, and are entitled to a timely and substantive response thereto; and

Whereas, Unit Owners are entitled to inspect and copy the Association's Official Records pursuant to Section 718.111, Florida Statutes; and

Whereas, in order to assure that the Association is able to respond timely to all Unit Owners who may make requests to inspect the Association's Official Records, and not be burdened with voluminous or repetitive requests from any one Unit 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 718.111, Florida Statutes, regarding the frequency, time, location, notice, and manner of inspecting the Official Records and the making of copies; and

Whereas, Section 718 and Section 61B-23.0029 Florida Statutes allow Condominium to establish policies and rules regarding electronic communications, including e-mail and facsimile transmissions, the Board of Directors finds it appropriate to establish and promulgate policies and rules governing such communications with unit owner.

Now, Therefore, Be it resolved by the Board of Directors of *Pointe Towers* Condominium Association, Inc. that the Rules and Regulations of the Association are hereby amended by adding thereto the following provisions:

A. Unit Owner Inquiries by Certified Mail

1. Address. All certified mail unit owner inquiries must be addressed as follows:

2. Frequency and Response. The Association is obligated to respond only to one (1) certified mail inquiry per Condominium Unit which contains only one single part question in any given 30 day period, or periods, as applicable. Responses given within such time shall either be a substantive response, a notification of the Unit Owner that a legal opinion has been requested from the Association Attorney, or notification of the Unit Owner that advice has been requested from the Division of Florida Condominiums, Timeshares and Mobile Homes. Responses to inquiries that are referred to the Association legal counsel for a legal opinion in accordance with Section 718.112(2)(a)2, Florida Statutes, shall be made within 60 days of the date on which the Association received the inquiry from the Unit.

3. Reference to Attorney. The Association may refer any inquiry to its legal

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counsel for response, or assistance with a response, if the Inquiry includes any question or request that the President, Property Manager, or Board determines to require a legal opinion or interpretation, or if the President, Property Manager or Board reasonably finds that an inquiry threatens, suggests or implies, directly or indirectly, that the Unit Owner may file a complaint, action or claim against the Association or its officers or directors, or that the Inquiry suggests or implies, directly or indirectly, that the Association has acted in any manner that is or may be in violation of law or the Condominium documents, or otherwise be such as may expose the Association to potential liability. In making such decision, the Association may take into consideration any statements or correspondence from or on behalf of the Unit Owner, as well as prior Inquiries submitted by such Unit Owner.

4. Responses. In formulating a response to an inquiry the following provisions shall apply:

- a. If there was a substantive response to the same question from the same Unit previously, and the answer remains essentially unchanged, the Association's response may refer to the prior answer.
- b. If the Inquiry is, in effect, a request to review or be furnished copies of the Official Records of the Association, or seeks a response that may be found in the Official Records, then the response shall advise the Unit Owner that the information sought may be obtained from a viewing of the Official Records. (See Section B below 'Rules governing requests to inspect official records')
- c. If the Inquiry requires the Association to prepare compilations, calculate figures, or otherwise extract data which is not readily calculated or ascertainable from existing reports in final form, or if the Inquiry seeks information in a form, or for periods or based upon criteria, for which the Association does not maintain such information, the Association need not compile, calculate, extract, or format such information, and it shall be a sufficient response to notify the Unit Owner that the Inquiry cannot be readily answered at the time, and that the Association is not required to calculate, compile, abstract or format such information, referring the Unit Owner to the Official Records under Paragraph 4(c) if appropriate.
- d. A certified mail inquiry to the Association may be responded to by the Property Manager, the Association President or Vice President, or the Association Treasurer in the case of inquiries relating to financial matters. The Association is not required to call a Board of Directors meeting to answer an inquiry. Members of the Association only can require the Board of Directors to consider a matter as provided under Section 718 Florida Statute.

B. Rules Governing Requests to Inspect and Copy Official Records

1. Definition of Terms

- a. Copy shall mean a copy of a record reproducible in its entirety on one side of either a single 8½ x 11 or a single 8½ x 14 sheet. The Association shall not be required to reproduce and make copies available of documents with a size greater than 8½ x 14.
- b. Official Records are those records designated by the Florida condominium Act. However, "official records" do 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."
- 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 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 included 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.
- 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. 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 this purpose of record inspection and copying

only, the term "unit owner" also includes a unit owner's authorized representative as designed 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 or 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.

- g. Working day shall be deemed to 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.

1. Inspection and Copying

- a. Unit owners desiring to inspect the official records of the Association must submit a written request by mail addressed as follows:

; or by hand delivery of a written request to the Association Office during regular business hours on a working day. The request shall describe each record desired in sufficient specificity to identify it and must specify pertinent dates or time periods. The request must be legible, and must describe records by type such as listed in section 718.111 (12), Florida Statutes, and not be subject matter such as "all insurance information."
- b. Each written request to inspect the records shall contain no more than 10 records, or constitute in the whole more than 200 pages of material. Requests exceeding these limits will be denied in their entirety.
- c. No more than one (1) written request to inspect the records shall be permitted from a single unit (or its authorized representative), or a single representative irrespective of the number of unit owners said individual represents, within a thirty (30) day period. Requests exceeding these limits will be denied in their entirety.
- d. No more than one (1) written request shall be permitted of the same record in a six-month period. Once the record has been inspected by the unit owner, or by an authorized representative, or a copy obtained by the unit owner, or authorized representative, if the record has not been changed, it is not subject to further requests for inspection and/or copying by that unit owner, or authorized representative.
- e. Upon receipt of the written request and within the time periods permitted by law, the Association shall respond to the unit owner in written form 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 Association asserts an exception to disclosure, the unit owner, or authorized representative, requesting the records shall be advised in writing of the specific grounds for exemption.

- f. The records 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 the inspection. The record inspection session shall not extend beyond two hours within regular business hours on a work day. The Association may institute any supervision or reasonable security measures with regard to the records inspection.
- g. During the record inspection, no mark whatsoever shall be made on any record, nor shall any pages affixed together by staple, paper clip, 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 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 has determined the need or desire for 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 authorized representative upon demand; but rather the unit owner or authorized representative can request record copies, as detailed herein, during the inspection.
- k. 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 by business or personal check. 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 cents per page charge, two copies. The

Association shall not, however, be required to copy two separate documents on a single page for the purpose of minimizing the per page copy cost.

- I. Lists of unit 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 owner in this Association.

2. 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. 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.

3. Enforcement of Inspection and Copying Rules

- a. Any violation of these rules shall cause the immediate suspension of the inspection of any copying until such time as the violator agrees in writing to comply herewith.
- b. Any written requests for inspection or copying not in compliance 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 the written request.
- c. Verbal requests for inspection or copying will neither be honored or acknowledged.
- d. A request for record inspection will be denied if the unit owner has, within two years preceding his demand, given, sold, or offered for sale any list of unit owner for any such purpose.
- e. A request for record inspection and/or copies will be denied if any information secured through any prior examination of records of this Association has been improperly used. Improper use shall include the providing to anyone not an Association member a list of unit owners which is subsequently used for non-association or commercial purposes, or the selling or distribution of any information or records inspected, except to the extent that such 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.

4. Rules Regarding Electronic Communications (i.e., email and facsimile)

- a. Section 718 and Section 61B-23.0029, Florida Statutes, allow a Condominium to establish reasonable policies and rules regarding electronic communications, including e-mail and facsimile transmissions. Accordingly, the Board of Directors finds it appropriate to establish and promulgate reasonable policies and rules governing such communications with unit owner. Accordingly, the following Association Policy is hereby established that the Association only is permitted to communicate by email with unit owners as specifically stated below:
- b. As a convenience to unit owners, the Association will communicate with unit owners by e-mail and facsimile (routinely or upon request) only those Association documents which are listed below to those owners who have provided their e-mail addresses to the Association for such purposes *(Note: Providing certain records by e-mail is for the convenience of unit owner – especially for those living out of town – and is in addition to statutory requirements to mail or hand-deliver certain notices to unit owners.)*
- c. Official Records Which May be Requested by and/or Supplied to Owners by Electronic Communications (i.e., by e-mail and facsimile)
 - 1. Future Board and Committee meeting Notices and Agendas
 - 2. Copies of Current Association Insurance Policies or Face Sheet (upon request)
 - 3. Current Wind Mitigation Forms from Insurance Company (upon request)
 - 4. Approved Board meeting minutes for the current year
 - 5. Financial Statements Prepared by the Management Company for the current year (upon request)
 - 6. The final CPA Audit Report for the previous year after provided by the Auditor
 - 7. The Governing Documents for the Association (upon request)
 - 8. Periodic Reports to the Unit Owners from the Association for the current year
 - 9. The Association's Budget for the current year or following year once approved.
 - 10. Periodic Unit Owner Surveys for the current year

11. Forms the Association provides to Unit Owners for various purposes (e.g., To reserve the Greatroom in Clubhouse) - Automatic Bank Deposit forms, forms used in conjunction sale or lease of units, etc.) (Upon Request)
 12. Extra copies of proxies and voter designation forms (originals are sent by mail with official Association Membership meeting notices.)
- d. Specific subject matters where electronic communications between Unit Owners and the Association are authorized:
- (1) Maintenance issues involving an individual unit and the common elements.
 - (2) Emergency communications between the Association and Unit Owners
- e. Electronic communications may not be used by unit owners to make official Inquires pursuant to Section 718.112, Florida Statutes, or to make official requests to inspect the Association's Official Records pursuant to Section 718.111, Florida Statutes, nor will the Association acknowledge or respond in any way to any such e-mail requests received from unit owners.