

**BONITA BEACH CLUB
RESOLUTION OF THE BOARD OF DIRECTORS
ADOPTING LIMITATIONS GOVERNING INSPECTION AND
COPYING OF ASSOCIATION RECORDS**

WHEREAS, Bonita Beach Club Association, Inc. (the "Association") is a Florida not for profit corporation charged with the operation of Bonita Beach Club, located in Lee, Florida and governed by that certain Declaration of Condominium, originally recorded at Official Records Book 1239, Page 437 of the Public Records of Lee County, Florida, as amended (the "Declaration");

WHEREAS, Florida Statutes Section 718.111(12)(b) states that the official records "The records of the association shall be made available to a unit owner within 45 miles of the condominium property or within the county in which the condominium property is located within 10 working days after receipt of a written request by the board or its designee.";

WHEREAS, Florida Statutes Section 718.111(c)(1) states, "The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying but may not require a member to demonstrate any purpose or state any reason for the inspection."; and

WHEREAS, the Board of Directors wish to adopt a rule to regulate the frequency, time, location, notice, and manner of record inspections and copying of Official Records and adopts this rule in accordance therewith;

NOW THEREFORE BE IT RESOLVED by the Board of Directors of Bonita Beach Club Association, Inc., that:

1. Records Defined. The official records, also referred to herein as "records," available for inspection are those designated by Florida Statute 718.111(12)(a), as the official records of the Association.

1.1 Records Available. No records other than those defined above shall be available for inspection.

1.2 Persons Entitled to Inspect. Owners shall have the right to inspect the records of the Association as permitted by law. All reference in this Resolution to Owner will include record title holders of a Unit or Owner's authorized representative, where applicable.

2. Inspection.

2.1 An Owner desiring to inspect records shall submit a written request to the Association at the mailing address of the Association's Registered Agent, pursuant to the most recent on-line records of the Florida Secretary of State, Division of Corporations. Requests may be made by Certified Mail, return receipt requested, and Regular US Mail. Verbal requests do not comply with this Resolution. The written request must specify the records the Owner desires to inspect, including pertinent dates or time periods. The specification of the records must be sufficiently detailed to permit the Association to retrieve the records requested.

2.2 Inspection of records shall be restricted solely to those records designated in the written request for inspection and shall be conducted solely by the Owner signing the inspection request, or his or her authorized representative. No inspection of any other records shall be permitted. If more than one Owner desires to inspect the same records, the Association may require that such inspections are

conducted at different times provided that co-Owners may inspect records together. If an Owner has designated an authorized representative, either the Owner or the authorized representative may inspect the records; however, both parties may not inspect the records together. However, this shall not preclude an Owner from inspecting the records with the Owner's representative if such representative is a Certified Public Accountant licensed to practice in Florida, or an Attorney at Law, admitted to practice in Florida.

2.3 An Owner shall not submit more than two (2) written requests for inspection of records per calendar month. Any request submitted more frequently shall be deemed to have been received on the first day of the following calendar month. Each request permitted under this section shall be limited to the request of three (3) specific categories of official records, it being the intent that an Owner shall be limited to six (6) requests per calendar month (two (2) requests per month with three (3) categories per request). A request for inspection of records shall specifically designate the time period of the records to be inspected. Each request shall be limited to a time period of two (2) years for each record requested. By example, a request to view all financial records related to a contract for the last four (4) years shall be treated as two (2) specific category request. Also, by example, a single request such as "all correspondence and financial records related to the contract" will be deemed as two (2) specific category requests.

Any Owner requesting a composite request such as "all documents relative to" shall hereby be on notice that this type of request is vague and ambiguous, and the Association does not categorize documents in this manner nor will have any obligation to answer such requests.

2.4 Inspections of records shall be conducted at the office where the Association's records are maintained or at such other location as may be designated by the Association. Records must be made available for inspection in Lee or Collier County or within forty-five (45) miles of the Association property. No Owner shall remove original records from the location where the records are inspected. No marks or alterations shall be made on original records.

2.5 Records shall generally be made available for inspection by the Association on or before the tenth (10th) working day pursuant to Florida Statute Section 718.111(12)(c)(1) after receipt by the Association of the written request for inspection. This time frame may be extended upon agreement of the Owner or for good cause. In addition, this time frame shall be extended in the event the records are so voluminous, or otherwise in such condition as to render this time frame unreasonable. In any case, the Association shall always use its best efforts to make records available for inspection by the tenth (10th) working day after receipt of the request, and the failure to do so shall create a rebuttable presumption that the Association has violated the provisions of this Resolution. The Association may rebut the presumption by obtaining an opinion from legal counsel that the Association has, under the circumstances, attempted to address the Owner's records inspection request promptly and in good faith.

The Association shall notify the Owner by telephone or in writing (including e-mail), that the records are available and the time, date and place for such inspection. Inspection shall be made only during normal Association business hours, or during the normal business hours of the location of inspection if other than the Association office. For the purposes herein, "working day" shall mean Monday through Friday, exclusive of federal, state and local holidays in which the office of the Association or office where the records are being made available for inspection is closed. For purposes herein, "normal business hours" shall be the hours the Association office is customarily open, or the hours the location where the records are to be inspected is customarily open, or if there are no customary hours of operation, then 9:00A.M. to 12:00 P.M. and 1:00 P.M. to 5:00P.M., all on a working day. No Owner shall be entitled to inspect records for more than ten (10) hours cumulatively in any calendar month. At the request of either the

Association or the Owner, inspections may be broken up into segments, provided that ten (10) hours per calendar month shall be the maximum cumulative inspection time in a calendar month.

2.6 If, at, or after inspection, an Owner desires to have a copy of a record, the Owner shall designate, which record, or portion thereof, for which a copy is desired, or, in the alternative, shall designate such record by use of a clip or tab upon the page(s) desired. If the location where the records are being inspected or stored has a copy machine capable of making copies of the records designated, and the Owner has requested copying of 25 or less pages of records, then copies of the records shall be available contemporaneously with the inspection. If, however, the records to be copied exceed 25 pages, or there is no copy machine at the location where the records are being inspected or stored capable of making copies of the records designated, the Association may send the records out for copying by an outside source, such as a commercial copying company or make the copies at the location of the records, but available for later pick-up. If copied at the location where the records are kept, copies more than 25 pages shall be made available for pick-up by 5:00P.M. within three (3) working days from the date of the inspection, the day of inspection not counting in calculating this deadline. Copies made by an outside source shall be available as soon as a copying service can reasonably pick-up, copy and return the records to the location where the records are being inspected or stored. Photocopies will be available at the place records are kept or produced for inspection. Owners requesting copies must arrange for pick-up of records. The Association shall have no obligation to mail or otherwise deliver copies to any place.

2.7 The Association shall allow an Owner 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 Owner with a copy of such records. The Association may not charge an Owner for the use of a portable device.

2.8 An Owner shall pay the reasonable expense of copying. In the event the copies are made by the Association, the cost shall be twenty-five cents (\$0.25) per page. If copies are made by outside vendors, vendors' costs shall be charged to the Owner. Payment in advance for the cost of copies may be required by the vendors.

2.9 If records are kept on computer format, the Association may print such records to paper. The Association may but shall not be obligated to allow Owners to access the Association's computer system. If the Association provides access to records through a computer supplied by the Association or the office in which records access is being conducted, the person inspecting the records shall not e-mail the records inspected to any other computer, person, or e-mail account, review other content or programs on said computer, nor otherwise in any fashion download, forward, or otherwise transmit or manipulate the data he or she reads during the inspection of the records by review on electronic mail, internet or computerized format.

2.10 The Association may comply with its obligation to make records available for inspection by providing them to the Owner by electronic mail, the internet, or making them available in a computerized format readable with customary programs used in computers of consumers. If, however, an Owner provides the Association with written notice that they do not have access to a computer, the Association must supply the records in paper format.

3. Manner of Inspection

3.1 For purposes hereof, the Owner and the Owner's authorized representative shall be considered one person. If inspection is requested by any person other than a record Owner of the Unit, said request shall not be recognized by Association unless and until the record Owners designate such

person, in writing, as his/her authorized representative, or unless such person is an Attorney at Law admitted to practice in the State of Florida and evidence has been provided that such attorney is representing the Owner.

3.2 All persons inspecting or requesting copies of records shall conduct themselves in a courteous manner and shall not interfere with the normal operation of the Association office and the duties of their personnel, or the office where the records are otherwise inspected or copied, nor the duties of their personnel. The Association office, or office of inspection, may assign a staff person or other person to assist in the inspection and all requests for further assistance and copying during inspection shall be directed to that staff person.

4. Enforcement of Inspection Rules

4.1 Any violation of the Resolution may result in the immediate suspension of the inspection until the violator agrees in writing to comply herewith.

4.2 Any requests for inspection not complying with this Rule shall not be honored.

4.3 The Board of Directors may take whatever appropriate legal action is available against any person who fails to comply with this Resolution, including but not limited to the levy of fines or suspension of use rights subject to the requirements of law.

4.4 Nothing in this Resolution shall be construed as a limitation or restriction upon any of the Association's rights or remedies, or act as an election of remedies. All rights and remedies available to the Association shall be cumulative.

This Resolution shall be effective upon the date approved by the Board of Directors.

IN WITNESS WHEREOF, the undersigned has hereunto affixed a hand and the seal of the Association this ____ day of _____, 2023 and this resolution shall be effective on an even date herewith.

BONITA BEACH CLUB ASSOCIATION, INC.,
A Florida not-for-profit corporation

By: _____
_____, its President

Attestation

By: _____
Name: _____
Title: _____