

Delasol Homeowners Association, Inc.

A Florida not-for-profit corporation

**RESOLUTION GOVERNING INSPECTION AND COPYING
OF ASSOCIATION RECORDS**

As approved at the Board of Directors Meeting held on December 3, 2024.

WHEREAS, Delasol Homeowners Association., Inc. (the “Association”) is a Florida not for andprofit corporation;

WHEREAS, Florida Statutes Section 720.303(5) states, “The official records shall be shall be made available to a unit owner within 45 miles of the community or within the county in which the association is located within 10 working days after receipt by the board or its designee of a written request”; and

WHEREAS, Florida Statutes Section 720.303(5)(c), further provides that “the association may adopt reasonable written rules governing the frequency, time, location, notice, records to be inspected, and manner of inspections...” and

WHEREAS, the Board of Directors seeks to adopt a resolution regulating the frequency, time, location, notice, and manner of record inspections and copying of Official Records.

NOW THEREFORE BE IT RESOLVED by the Board of Directors that the following regulations be in full force and effect:

The Board of Directors hereby adopts the following rules regulating Official Records requests:

A) Persons Entitled to Inspect or Copy. Only an Owner or the Owner’s authorized representative shall be permitted to inspect the Official Records. No other person other than the owner or their authorized representative shall be permitted to inspect or copy the Official Records unless approved by the Board. An Owner desiring to authorize a representative to inspect the Association’s official records must complete the Association’s Official Records Request Owner’s Authorized Representative Form, which is attached hereto, and submit it to the Association no later than twenty-four (24) hours in advance of a scheduled inspection. The form is valid only for the records inspection for which it is submitted.

B) Official Records. Official records of the Association available for inspection and copying shall be limited to only those records specifically identified in Florida Statutes Section 720.303(4), but will not include those records that are not accessible for inspection pursuant to Florida Statutes Section 720.303(5)(c)

C) Inspection and Copying.

1) An Owner, or an Owner’s authorized representative, desiring to inspect or copy the Official Records shall submit a written request by hand delivery or certified U.S. Mail, return receipt requested, to the Association at the mailing address of the Association, pursuant to the most recent online records of the Florida Secretary of State, Division of Corporation. As of the date of the passage of this resolution, that address is c/o Anchor Associates, Inc., 2340 Stanford Court, Naples, FL 34112.

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Requests made by facsimile transmission, electronic mail (e-mail) or other means do not comply with this required procedure. Verbal requests do not comply with this Rule.

The written request must specify the records the Owner desires to inspect or copy, including pertinent dates or time periods.

Effective upon the adoption of this Resolution, requests made via facsimile or electronic mail or other means do not comply with the required procedure and will not be accepted and will not be recognized.

2) Upon receipt of a proper written request to inspect the Official Records, the Association may comply with said request by making the Official Records available as follows, in its sole discretion:

- (a) providing a period in which to inspect the records being made available at the office where the Association's records are maintained, or such other location as may be designated by the Association within forty-five (45) miles of the community or within Collier County; or
- (b) providing electronic or hard copies of any specifically requested documents to the requestor; or
- (c) providing access to a computer screen supervised by an agent of the Association if it is determined that most or all of the requested documents are stored in electronic format. In the event documents are made available in this format, the Owner or authorized representative shall be permitted to print any document made available as provided for in F.S. 720.111(12)(b), but in no event shall an Owner or authorized representative be permitted to attach or plug in any outside or private device to the computer or network of the Association or office making records available.

3) An Owner, or an Owner's authorized representative, shall not submit more than one (1) written requests for inspection or copying of the Official Records per calendar month. Any written requests in excess of one (1) should be deemed to have been received on the first day of the following calendar month. 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 that manner.

4) Records shall be made available for inspection by the Association on or before the tenth working day subsequent to the actual receipt by the Association of the written request for inspection. 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 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 9:00 A.M. to 12:00 P.M. and 1:00 P.M. to 4:00 P.M., all on a working day.

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5) An Owner or an Owner's authorized representative shall pay the reasonable expense of copying, which shall be twenty-five cents (\$0.25) per printed page and \$20 per personnel hour. Records not normally kept in written form may be produced for inspection in the form in which they are normally kept. The cost of printing records normally maintained on the computer shall be twenty-five cents (\$0.25) per page. If an Owner or an Owner's authorized representative requests copies of more than 25 pages, the Association may require the documents to be copied to be sent to an outside vendor for copying. If copies are made by outside vendors, actual costs shall be charged to the owner. Payment in advance for the cost of a copy shall be required. The Association shall have no obligation to mail or otherwise deliver copies to any location. Owners requesting copies must arrange for pickup of copies.

6) An Owner or an Owner's authorized representative may 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 having the Association provide the Owner or an Owner's authorized representative with a copy of such records.

7) 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 its personnel, or the office where the records are otherwise inspected or copied or the duties of their personnel.

8) An Owner may not remove original records from the location where the records are being inspected. No marks or alterations shall be made on original records.

9) Enforcement of Inspection Rules

(a) Any requests for inspection not complying with these procedures need not be honored, but in such cases the Association shall mail, or hand deliver a written response to the person requesting inspection and shall indicate how the request fails to comply herewith.

(b) 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.

(c) 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.

(d) The President of the Association, or the Manager (under the direction of the President), shall have the authority to interpret and implement the provisions of this Resolution and make decisions and judgments arising hereunder without need for Board approval on a case-by-case basis.

IN WITNESS WHEREOF, the undersigned has hereunto affixed a hand and the seal of the Association this 4th day of December, 2024 and is effective as of this date.

Delasol Homeowners Association, Inc.

BY: 

TITLE: HOA PRESIDENT

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DELASOL HOMEOWNERS ASSOCIATION, INC.,

**OFFICIAL RECORDS REQUEST OWNER'S AUTHORIZED REPRESENTATIVE
FORM**

The undersigned owner and member of Delasol Homeowners Association, Inc. hereby designates the following-named person to act as my authorized representative to inspect and copy the official records of the Association:

1. Date of Written Request to Inspect Records: _____.
2. Records Inspection Scheduled For: _____.
3. Name of Authorized Representative: _____.
4. Telephone Number of Authorized Representative: _____.
5. Address of Authorized Representative: _____.

Owner: _____

Printed Name: _____

Date: _____

Address of Owner: _____

Owner Contact Number: _____

Only one (1) representative may be named at a time. The authorization is only valid for the Records Request listed in item 1 above. A new form must be completed for each new records request. No authorization is valid unless and until this form is completed in full. This form must be submitted at least twenty-four (24) hours in advance of the scheduled inspection.

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DELASOL HOMEOWNERS ASSOCIATION, INC.
OFFICIAL RECORDS INSPECTION REQUEST RESPONSE FORM

Date: _____

Dear _____,

We are in receipt of your request to inspect the Official Records of Delasol Homeowners Association, Inc. Your request is dated _____ and was received on _____.

Pursuant to your request, please see the response checked below:

_____ The Official Records you have requested are available for your inspection at Anchor Associates, Inc., 2340 Stanford Court, Naples, FL 34112. Please call (239) 649-6357 to schedule an agreeable date and time to inspect the records. If you wish to make copies of the records you inspect, the cost of copying is \$0.25 per page. Payment is due in advance of the copies of the records being prepared.

_____ Pursuant to the Records Request Policy of the Association your request has been denied for the following reason (s):

Sincerely,

DELASOL HOMEOWNERS ASSOCIATION, INC.