

Winston Trails Foundation, Inc. Records Inspection Policy

The Board of Directors of Winston Trails Foundation, Inc., a Florida not for profit corporation (the “Association”), is comprised of property owners (the “Members”) who own lots in Winston Trails, a residential subdivision in Palm Beach County, Florida.

The Board has adopted this **Records Inspection Policy** pursuant to Ch. 2024-221, Laws of Florida, which became effective on July 1, 2024. The Board is authorized by state law to adopt reasonable written rules governing the frequency, time, location, notice, records to be inspected, and manner of inspections.

This policy is a rule of the of the Association and shall be provided to each Member and maintained in accordance with the **Records Retention Policy**.

The Association’s official records will be made available for inspection or copying accordance with the following procedures, in accordance with s. 720.303, Florida Statutes, as may be amended:

ACCESS TO RECORDS BY OWNERS:

1. The Association may not require an owner to demonstrate any proper purpose for the inspection, state any reason for the inspection, or limit an owner’s right to inspect records to less than one 8-hour business day per month.
2. The Association may impose fees to cover the costs 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 spent retrieving and copying the records exceeds one-half hour and if the personnel costs do not exceed \$20 per hour. Personnel costs may not be charged for records requests that result in the copying of 25 or fewer pages. The Association may charge up to 25 cents per page for copies made on the association’s photocopier. If the Association does not have a photocopy machine available where the records are kept, or if the records requested to be copied exceed 25 pages in length, the Association may have copies made by an outside duplicating service and may charge the actual cost of copying, as supported by the vendor invoice.

3. The Association shall provide access to the records within ten (10) business days after receipt of a written request submitted by certified mail, return receipt requested.
4. Owners are permitted to submit written requests for access to or copies of records to the attention the Association:

Winston Trails Foundation, Inc.
Attn: Lauren Mollenberg, LCAM
Winston Trails Management Office
5980 Winston Trails Blvd.
Lake Worth, FL 33463

5. The Association's manager shall provide a written acknowledgement to the owner within five (5) business days of receipt and advise of any associated costs, request clarification for any records sought, or provide notice that the requested records are not permitted for disclosure.
6. The responsive records will be made available to the owner for inspection or photocopying within 45 miles of 5980 Winston Trails Blvd., Lake Worth, Florida or within Palm Beach County within ten (10) business days after receipt by the Association's Manager the owner's written request.
7. The Association retains the right to comply with state law by any of the following methods: (1) maintaining a copy of those official available for inspection or copying at the Winston Trails' office of its management company; (2) making the records available to an owner electronically via the Internet; or (3) allowing the records to be viewed in electronic format on a computer screen and printed upon request by the management company or outside vendor.
8. See additional rules and policies attached hereto as Exhibit "A".

ACCESS TO RECORDS BY PROSPECTIVE PURCHASERS AND LEINHOLDERS:

1. Neither the Association nor its manager is required to provide a prospective purchaser or lienholder with information about the residential subdivision or the Association other than information or documents required by ch. 720, Florida Statute, to be made available or disclosed.
2. The Association or its authorized agent may charge a reasonable fee to the prospective purchaser or lienholder or the current owner or member for providing good faith responses to requests for information by or on behalf of a prospective purchaser or lienholder, 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.

ACCESS TO RECORDS BY A LAW ENFORCEMENT AGENCY:

1. If the Association receives a subpoena for records from a law enforcement agency, the Association shall provide a copy of such records or otherwise make the records available for inspection and copying to a law enforcement agency within five (5) business days after receipt of the subpoena, unless otherwise specified by the law enforcement agency or subpoena.
2. The Association shall assist a law enforcement agency in its investigation to the extent permissible by law.

PROHIBITED ACCESS TO CERTAIN RECORDS:

Pursuant to Florida Law, the Association shall not provide owners with access the following:

1. Any record protected by the lawyer-client privilege as described in s. 90.502, Florida Statute, as may be amended, 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 the Association in connection with the approval of the lease, sale, or other transfer of a parcel.
3. Information the Association obtains in connection with guests' visits to owners or community residents through gated access points to the community.
4. Personnel records of Association or management company employees, including, but not limited to, disciplinary, payroll, health, and insurance records. However, this prohibition 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.
5. Medical records of owners or community residents.
6. Social security numbers, driver license numbers, credit card numbers, electronic mailing addresses, telephone numbers, facsimile numbers, emergency contact information, any addresses for an 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. However, the Association is authorized to print and distribute to owners a directory containing the name, parcel address, and all telephone numbers of each owner. The owner may exclude his or her telephone numbers from the directory by so requesting in writing to the Association.
7. Any electronic security measure that is used by the Association to safeguard data, including passwords.
8. 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.
9. All affirmative acknowledgments concerning assessments and made pursuant to s. 720.3085(3)(c)3, Florida Statutes, as may be amended.

This **Records Inspection Policy** was duly adopted by a two-thirds affirmative vote of the Board of Directors during its meeting on _____, 2024. The manager of the Association is directed to (1) mail and e-mail a copy of the policy to each member within ten (10) days of adoption and (2) maintain a copy of this this policy with the Association's current rules and official records.

Exhibit "A"

A. An Owner desiring to inspect the records of the Association shall submit, on a working day, a written request to the Association to the mailing address of the Association as provided in Florida's Division of Corporations for the Association. The written request must be sent via regular mail, certified mail, or hand delivered and is effective upon receipt by the Association of the written request. 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, and not by subject matter such as, for example, "all insurance information." A request to inspect the records of the Association sent via email, facsimile, or verbally shall not constitute the proper delivery of written request to inspect the records of the Association.

B. No inspection of records inspection shall be permitted which exceeds more than one eight (8) hour business day per month by any single home/lot. A records inspection request by one member of a home/lot shall constitute that one and only request per annum for all members associated with that particular home/lot.

C. If the inspection time involves the lunch hour, from 12:00 noon to 1:00 p.m., then the 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. No inspection request shall exceed five (5) categories of records at any one time. 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 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 Association asserts an exemption to disclosure, the 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 and the Owner or authorized representative may be monitored by a person or persons designated by the Association to assist in 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, the Owner or authorized representative may request the Association 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 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 Owner within ten (10) working days from the date the Association receives payment from the Owner for copies and/or administrative costs as determined by the Association related to the document inspection.

J. The Association is not required to make and/or mail or deliver record copies to the Owner or an authorized representative upon demand; but rather the 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 or in accordance with Florida law.

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

M. If the Association has a copy machine available, the Association may charge twenty-five cents (.25) per page for the copies.

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

O. In addition to any applicable copying charges, the Association may impose an administrative fee to cover the cost of personnel devoted towards administering and overseeing the official records request as well as providing copies of the official records as involving management company personnel to retrieve and copy the records at the rate of \$20.00 per hour. Such administrative charges shall not apply as involving the copying of records which are 25 pages or less. Such administrative charges shall not apply if the administrative time spent involving the records request procedure is one-half hour or less. The time expended by the management company personnel or other Association representative shall be computed and billed to the Owner upon the conclusion of the document inspection. Such charges to the Owner may be supplemented if the Owner, or the Owner's authorized representative, makes follow up requests as involving such document inspection.

P. The Owner shall pay to the Association, in advance, the sum of twenty-five cents (.25) 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. The Association shall not be required to copy two separate documents on a single page for the purposes of minimizing the per page copy cost.

Q. The Association shall allow the Owner 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 email copy of the official records in lieu of providing the Owner 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.

R. 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.

S. 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.

T. Failure to adhere to these rules will cause for a prompt termination of the inspection of any and all documents.

U. 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. Such conduct by an Owner may also be deemed to be a violation of the governing documents subjecting the Owner to fines and/or suspension of use privileges.

V. Any written requests for inspection or copying not complying with these rules will be denied.

W. The Association reserves the right to amend these rules from time to time as deemed necessary and are deemed automatically amended by virtue of any further amendments to Florida law. Any section contained herein which is inconsistent with Florida law shall not invalidate the remainder these rules, regulations, and procedures but rather such unaffected sections shall remain in full force and effect.