

**RULES AND REGULATIONS OF
MARINER'S COVE HOMEOWNERS ASSOCIATION OF LEE COUNTY, INC.
REGARDING PARTICIPATION AT MEETINGS AND RECORDS INSPECTIONS**

STATEMENT OF PURPOSE. Pursuant to Section 4.7 F of the Bylaws, the Board may adopt and amend administrative rules and regulations governing the operation of the Association. As further provided herein, the Board is vested with additional authority under the Florida Statutes to adopt rules and regulations. These Rules and Regulations (“**Rules**”) serve to create new policies and supplement the existing Rules and Regulations and all resolutions of the Board.

RULE 1 GENERAL PROVISIONS.

1.1 Definitions. The definitions set forth in the Second Amended and Restated Declaration for Mariner’s Cove Community, as it is amended from time to time, shall apply to all provisions of these Rules as they exist now and as they are amended from time to time. These Rules may create additional defined terms.

1.2 Managing Agent. “Managing Agent” means the community association manager, management firm, or other third-party who has been tasked with keeping the Inspectable Official Records and making these records available for inspection and copying.

1.3 Official Records. “Official Records” means all records required to be maintained by the Association as the official records of the Association in accordance with Chapter 720, Florida Statutes, as it is amended from time to time.

1.4 Savings Clause. If any provision of the Governing Documents hereto, as the same now exist or as may be later amended or any portion thereof, shall be held invalid by any Court, or other governmental agency with proper authority to so hold, the validity of the remainder of said Governing Documents shall remain in full force and effect.

1.5 Interpretation. Pursuant to Section 17.5 of the Declaration, the Board is responsible for interpreting the provisions of the Governing Documents, including, without limitation, these Rules. The Board’s interpretations shall be binding upon all parties unless wholly unreasonable. A written opinion rendered by Association’s legal counsel that an interpretation adopted by the Board is not wholly unreasonable shall conclusively establish that the Board’s interpretation is valid.

1.6 Enforcement. The Association shall have all rights and remedies available to enforce the Rules as any other provision of the Governing Documents, including, without limitation, the authority to levy fines and initiate legal action.

RULE 2 GOVERNING ATTENDEE PARTICIPATION AT MEETINGS. Section 720.303(2)(b), Florida Statutes (2025), provides that the Association may adopt written reasonable rules governing the frequency, duration, and manner of Owner statements at meetings of the Board. Section 720.306(6), Florida Statutes (2025), provides that the Association may adopt written, reasonable rules governing the frequency, duration, and manner of Owner statements at meetings

of the Members. The Board believes that it is in the best interest of the Association to adopt these Rules as contemplated by the above-referenced statutes. Accordingly, the following Rules shall apply to meetings of the Board and to meetings of the Members:

2.1 Definitions.

(A) Attendee. "Attendee" means the Owner, the individual deemed to be the Owner for purposes of exercising a Voting Interest. It also means a proxyholder, but only to the extent that they are attending a Membership meeting with a valid proxy from an Owner or an individual who is deemed to be the Owner for purposes of exercising a Voting Interest.

(B) Board Meeting. "Board Meeting" means a quorum of directors who are gathered to conduct Association business.

(C) Membership Meeting. "Membership Meetings" means a quorum of Members gathered at a lawfully noticed meeting to conduct Association business.

(D) Statutory Committee Meeting. Statutory Committee Meeting means a quorum of Statutory Committee members gathered to conduct the business of the Statutory Committee.

(E) Statutory Committee. "Statutory Committee" means a group of directors, Owners, or others appointed by the Board to make a final decision regarding the expenditure of Association funds or to approve or disapprove architectural decisions with respect to a specific Lot.

2.2 Attendance at Meetings. Attendees have the right to attend Board Meetings, Membership Meetings, and Statutory Committee Meetings, except as provided by law, and no other persons may attend these meetings except by invitation of the Board. Attendance at committee meetings that are not Statutory Committee meetings are by invitation of the committee only, and individuals do not have a right to attend a committee meeting that is not a Statutory Committee Meeting.

2.3 Participation at Meetings. Except as provided by law, Attendees may speak at Board Meetings, at Membership Meetings, and at Statutory Committee Meetings on each item on a meeting agenda. If so required by the Association's president before the start of a meeting, Attendees must sign their names on a sign-up sheet in order to speak at the meeting, and in the order of the signatories names on the list. Attendee statements shall not exceed three (3) minutes per agenda item. Attendee statements shall be restricted solely to items designated on the meeting agenda, and any Attendee who deviates from discussing a meeting agenda, after one (1) prior warning, shall be deemed to yield their time to speak on that agenda item. Attendees must conduct themselves in a reasonable and business-like manner when making statements. No Attendee statements may involve yelling, profanity, defamatory remarks, name-calling, insults or other purposefully belligerent remarks that are intended only to pester or entice conflict, and any Attendee who engages in this misconduct is deemed to yield their time for all of the meeting's agenda items. Any Attendee who engages in any physical altercation, except in lawful self-defense

or the lawful self-defense of another, shall be required to physically leave the meeting. Others may not “yield” their time for the purpose of extending an Attendee’s time to make statements. Attendees making statements shall have the floor while making their statements, and no other party may interrupt, except upon invitation of the Attendee or to enforce the Rules. Neither the Board nor the members of a Statutory Committee have any obligation to respond to statements that are made by Attendees.

2.4 Taping of Meetings. Attendees may tape record or videotape any Board Meetings, Membership Meetings, or Statutory Committee Meetings. An Attendee desiring to tape record or videotape a meeting must submit a written notice to the Association’s secretary or Managing Agent before the start of the meeting and make a verbal announcement at the start of the meeting to inform all parties that the meeting will be tape recorded or videotaped. A separate written notice and verbal announcement must be made for each meeting that an Attendee desires to tape record or videotape. Tape recording and videotaping without adherence to these Rules is prohibited. No Attendee recording a meeting may allow their equipment for taping or videotaping to interfere with or obstruct the business of a meeting. None of an Attendee’s equipment for taping or videotaping may be permitted to interfere with or obstruct any person’s ability to view or hear the meeting, and this equipment cannot block access to or from the meeting or to or from the seating at the meeting or be allowed to remain as a tripping hazard. Extra lighting for videotaping shall not be permitted. Persons using equipment for taping or videotaping must do so from their seats. All taping equipment for taping or videotaping must conform to the electrical codes, and no accessory may be attached to any electrical outlet that enables more equipment to utilize the outlet than would normally and safely utilize the outlet. Upon request of the Board, any person taping or videotaping a meeting shall provide a duplicate courtesy copy of their recording to the Board within seventy-two (72) hours of the meeting.

2.5 Enforcement of Meeting Rules. The Association shall have all rights and remedies available to enforce this Rule as any other provision of the Governing Documents, including, without limitation, the authority to levy fines and initiate legal action. If an Attendee repeatedly violates the Rules with respect to meetings, then, after a written warning, the Association may require that a different Attendee be designated by the holder of the applicable Voting Interest to represent the Voting Interest at meetings, which might require the designation of a different proxyholder or the designation of a different Primary Occupant.

RULE 3 GOVERNING INSPECTION AND COPYING OF OFFICIAL RECORDS. Section 720.303(5)(c), Florida Statutes (2025), authorizes the Association to adopt reasonable rules to govern the frequency, time, location, notice, and manner of record inspections and copying. The Board believes that it is in the best interest of the Association to adopt these Rules as contemplated by the above-referenced statute. Accordingly, the following Rules shall apply to inspections and any copying of the Association’s official records:

3.1 Additional Definitions.

(A) Authorized Representative. “Authorized Representative” means the natural person who is designated by a Member in accordance with these Rules to act on the Member’s behalf during a Records Inspection.

(B) Inspectable Official Records. “Inspectable Official Records” means all Official Records except for those Official Records described in Section 720.303(5)(c), Florida Statutes, as amended from time to time, which are exempt from inspection and copying for various reasons, including, without limitation, attorney-client privilege.

(C) Records Inspection. “Records Inspection” means an opportunity, at an appointed time, for a Member and the Member’s Authorized Representative to inspect, scan, and order copies of the Association’s Inspectable Official Records. Records Inspections may be satisfied by the provision of Official Records in electronic format for viewing or download.

(D) Registered Agent. “Registered Agent” means the Association’s registered agent on file with the Florida Department of State’s Division of Corporations.

3.2 Method or Policy for Retaining Official Records. In accordance with Section 720.303(4)(c), Florida Statutes (2025), the entirety of this Rule 3 serves to provide the Association’s methodology or policy by which the Official Records of the Association are to be retained and the time period such Official Records must be retained. The Association’s Managing Agent shall be the custodian of all Official Records. The Association shall maintain its Official Records for the minimum periods specified by Section 720.303(4)(a), Florida Statutes, as it is amended from time to time.

3.3 Requesting a Records Inspection. A Member may only request a Records Inspection by submitting a completed and signed form “Request to Inspect and Copy Official Records” (“**Request Form**”) to the Association’s Managing Agent, at the address specified in the form, by certified U.S. mail, return-receipt requested. A Request Form shall be deemed received upon delivery or attempted delivery by USPS to the Managing Agent. Discontinued Request Forms and Request Forms that are not signed or that do not contain all required information typed or legibly written will be deemed unsubmitted in the Board’s reasonable discretion. The current Request Form is attached hereto as Form “3-1” of these Rules, and made a part hereof by reference, and the Request Form is subject to change by the Board at any time. A completed Request Form must identify the Inspectable Official Records sought with specificity. If the Association’s Managing Agent cannot identify from a Request Form what Inspectable Official Records have been requested, then the requesting party may be required to resubmit a revised Request Form that better identifies the Inspectable Records sought by the requesting party. Upon delivery of a Request Form, the Managing Agent will contact the requesting party to schedule the requested Records Inspection within ten (10) business days. If additional time is necessary to accommodate a specific Records Inspection, such as, without limitation, if the Official Records sought are voluminous or they are the subject of present or anticipated litigation that requires that the Association determine whether certain requested Official Records are privileged, then an additional ten (10) business days will be afforded to the Association to schedule the requested Records Inspection. If more than one Member or their Authorized Representatives have submitted Request Forms for the same Official Records, then the Association may require that such Records Inspections are conducted together, at the same date and time.

3.4 Designating an Authorized Representative. A Member may only designate a single Authorized Representative. A Member may only designate their Authorized Representative or change their designated Authorized Representative by submitting a completed and signed form “Request to Designate or Change Authorized Representative” (“**Designation Form**”) to the Association’s Managing Agent by certified U.S. mail, return-receipt requested. A Designation Form shall be deemed received upon delivery or attempted delivery by USPS to the Managing Agent. Discontinued Designation Forms and Designation Forms that are not signed or that do not contain all required information typed or legibly written will be deemed unsubmitted in the Board’s reasonable discretion. The current Designation Form is attached hereto as Form “3-2” to these Rules, and made a part hereof by reference, and the Designation Form is subject to change by the Board at any time.

3.5 Limitations on Records Inspections. Records Inspections may only be requested by a Member or the Authorized Representative of a Member on file with the Association’s Managing Agent. With the exception of the Association’s duty to maintain an adequate number of certain records for prospective purchasers, no other party may request a Records Inspection. Any Member that is a non-natural, legal person/business entity, such as a corporation or limited liability company, must designate an Authorized Representative for Records Inspections. No request for inspection or copying shall be made in order to harass any Member; any resident or tenant of a Member; or any Association agent, officer, director or employee. A Member (or their Authorized Representative) may only request one (1) Records Inspection per calendar month. All Records Inspections shall be by appointment only and shall take place at the office of the Managing Agent during the Managing Agent’s regular office hours and excluding all holidays when the Managing Agent’s office is closed. No Records Inspection may exceed eight (8) hours. During a Records Inspection, only the requesting Member and their Authorized Representative shall be permitted to review or copy solely those Inspectable Records that were specifically designated in the Request Form. No inspection or copying of any other Official Records shall be permitted. At the option of the Association, the Inspectable Records sought by a Request Form may be made available electronically via email or a website or by allowing the Inspectable Records to be viewed in electronic format on a computer screen. No Member or Authorized Representative may remove Official Records from the location where the Official Records are inspected, nor may they mark, alter, damage, or destroy any Official Records.

3.6 Decorum During Records Inspections. Members and any Authorized Representative shall conduct themselves at all times in a reasonable and business-like manner during a Records Inspection. Unacceptable behaviors by a Member or Authorized Representative directed toward any representative of the Association, the Managing Agent, or the Managing Agent’s staff, which includes yelling; profanity; use of a slur; offensive gesture; threat; physical altercation; damage, destruction, or defacing of property (including any Official Records); refusing to leave at the end of a Records Inspection; or any criminal action shall result in the immediate termination of a Records Inspection. If an Authorized Representative’s Records Inspection is terminated due to unacceptable behavior, then the Authorized Representative shall be deemed to have resigned their position and they shall not be permitted to act on any Member’s behalf thereafter. If a Member’s Records Inspection is terminated due to unacceptable behavior, then the Member shall be required to designate an Authorized Representative for any Records Inspection thereafter.

3.7 Copying Official Records. If at or subsequent to inspection, a Member or Authorized Representative desires to have a copy of an Inspectable Record, the requesting party shall designate which record, or portion thereof, for which a copy is desired. If there is a photocopy machine available at the office of the Managing Agent, then the Managing Agent may, but shall not be required, to fulfil the copy order and charge the fees specified herein and in the Act. A requesting party must make arrangements to pick-up their copy order. Neither the Association nor the Managing Agent shall have any obligation to mail or otherwise deliver copies to any location. Copy orders shall be made available as soon as practical.

3.8 Fees for Personnel Costs and Copies. The Association shall charge twenty-five cents (\$0.25) per page for copy orders. If the time spent retrieving and copying Inspectable Records exceeds one-half (1/2) hour, and if the number of pages to be copied exceeds twenty-five (25) pages, then the Member or Authorized Representative shall be charged a personnel fee in the amount of twenty U.S. Dollars (\$20.00) per hour. Copy orders of greater than twenty-five (25) pages may be fulfilled by a third-party duplicating service at the sole cost and expense of the Member or Authorized Representative requesting copies. Official Records not normally kept in written form shall be produced for inspection in the form in which they are normally kept. The cost of converting such records to written form shall be in addition to the cost of copying such records, and the requesting party shall pay the reasonable expense of converting such records to written form, which expense shall be the actual cost of making the copy.

Form "3-1"

REQUEST TO INSPECT AND COPY OFFICIAL RECORDS

*Name of Member/Authorized Representative: _____

*Lot Address: _____

*Phone Number: _____, Email Address: _____

*List all Official Records that you wish to inspect (*failure to list records with reasonable specificity may result in the denial or delay of your Records Inspection*):

Indicates a form that **MUST be completed.*

Please review the Rules and Regulations of Mariner's Cove Homeowners Association of Lee County, Inc. regarding inspection and copying of official records. This form **MUST** be submitted by certified U.S. Mail, return-receipt requested, to the Association's Managing Agent as follows: **Attn: Marcelo Benitez, CAM, 13831 Vector Avenue, Fort Myers, FL 33907.**

Signature of Member or Authorized Representative: _____

Date: _____

Form "3-2"

REQUEST TO DESIGNATE OR CHANGE AUTHORIZED REPRESENTATIVE

In accordance with Section 720.303(5) of the Florida Statutes, I hereby (check & complete one):

- Designate the following, natural person to be my Authorized Representative or replacement Authorized Representative:

Name: _____

Mailing Address: _____

Phone Number: _____

Email Address: _____

- Revoke my existing Authorized Representative designation.

I understand that I will not be permitted to attend a Records Inspection with my designated Authorized Representative, and that my Authorized Representative will be acting on my behalf.

This form **MUST** be submitted by certified U.S. mail, return-receipt requested to the Association's Managing Agent as follows: **Attn: Marcelo Benitez, CAM, 13831 Vector Avenue, Fort Myers, FL 33907.**

Signature of Member: _____

Lot Address: _____

Date: _____