

JAMES LANDNG PROPERTY OWNERS Association, Inc.

POLICIES AND PROCEDURES

POLICY NO.: JPL RR -007-9

POLICY: INSPECTION & COPYING OF ASSOCIATION RECORDS

PROCEDURE:

1. RECORDS DEFINED

- a. The records available for inspection and copying are those designated by Florida Statutes as amended from time to time. The current 2014 Statute is attached to this policy for reference.
- b. The association's board may withhold from inspection any records that in its reasonable business judgment would:
 - i. Constitute an unwarranted invasion of privacy;
 - ii. Constitute privileged information under the attorney-client privilege;
 - iii. Involve pending or anticipated litigation or contract negotiations; and/or
 - iv. Involve the employment, promotion, discipline, or dismissal of a specific board member or employee.

2. PERSONS ENTITLED TO INSPECT OR COPY

Every member shall have the right to inspect or copy the association's records in compliance with the rules and procedures contained in this policy. A member may authorize, in writing, an attorney or other designated representative to conduct the inspection or request copies on the member's behalf. Any such authorized representative shall be considered a "member" for purposes of this policy.

3. WRITTEN REQUEST REQUIRED

- a. A member who wants to inspect or copy the association's records shall submit a written request by certified mail to the association or its designated manager. The request must be sufficiently detailed to allow the association to retrieve the record(s) requested.
- b. No member may submit more than one request for inspection and/or copying in a 30-day period.

4. INSPECTION RULES

- a. All inspections shall take place at the manager's discretion, clubhouse or at such other location as the association designates. No member shall remove original records from the location where the inspection is taking place.
- b. Members shall not alter the records in any way.

- c. The association shall make records available for inspection on or before the ten (10) working days after the association actually receives the certified written inspection request. This time frame may be extended upon the member's written request, or if the records requested are so voluminous or otherwise in such condition as to render this time frame unreasonable. The association shall notify the member (by telephone, in person, or in writing) that the records are available, and specify the time, date, and place for the inspection.
- e. Inspections shall be by appointment only, during the normal business hours of the Management's office.

5. COPYING RULES

- a. If a member wants a copy of any record, the member shall designate in writing the record desired. Any written request shall designate the specific record or portion thereof.
- b. During an inspection, the member may designate such record by use of a tab, clip, or Post-It note upon the page(s) desired.
- c. Copies shall be available within five (5) working days of receipt of the request, unless the voluminous nature or condition of the records make this time frame impractical. In such cases, the copies will be made available as soon as is practical.
- d. A member shall pay *50 cents* (.50) per page for regular- or legal-sized photocopies; payable in cash or by personal check, at the time the copies are delivered. However, the Manager or Secretary may require advance payment in his or her discretion, taking into account such factors as the amount of the copying charge, the member's payment record, and other relevant factors.

6. MANNER OF INSPECTION OR COPYING

- a. Members shall not exercise their inspection or copying rights in order to harass any other member or resident, association agent, officer, director, or employee.
- b. All people 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 such other location where the inspection or copying is taking place. The association's clubhouse, office, or place of inspection or copying, shall assign one staff person to assist in the inspection. All requests for further assistance and copying during an inspection shall be directed only to that staff person.
- c. The association may maintain a log detailing:
 - i. The date the written request was received;
 - ii. The name of the requesting party;
 - iii. A list of the requested records;
 - iv. The date the association notified the member that the records were available;
 - v. The date the records were made available;
 - vi. The date of actual inspection or copying; and
 - vii. The signature of the member acknowledging receipt of, or access to, the records. Every person inspecting or receiving copies of records shall sign said log or a comparable receipt prior to inspection or receipt of copies.

7. ENFORCEMENT OF INSPECTION & COPYING RULES

- a. Any violation of these rules shall cause the immediate suspension of the inspection or copying until the violator agrees in writing to comply herewith.
- b. The association will not honor any requests for inspection or copying that does not comply with this policy. Within ten working days of receiving the noncompliant request, the association shall send a written notice to the person who made the request indicating the nature of any noncompliance. Any association representative who receives an oral request for inspection or copying shall refer the person making the request to this policy, and the association will have no further obligation to respond until it receives a written request.
- c. The association's board may take any available legal action to enforce these rules, including the levy of a fine.

This Resolution was approved at the Board of Directors meeting dated this 9TH day of April 2015.

Attested by the Association's President and Secretary:

President

Shawn Khissa 9 Apr. 2015

Secretary

720.303 Association powers and duties; meetings of board; official records; budgets; financial reporting; association funds; recalls.—

(5) INSPECTION AND COPYING OF RECORDS.—The official records shall be maintained within the state for at least 7 years and shall be made available to a parcel owner for inspection or photocopying within 45 miles of the community or within the county in which the association is located within **10 business days after receipt by the board or its designee of a written request**. This subsection may be complied with by having a copy of the official records available for inspection or copying in the community or, at the option of the association, by making the records available to a parcel owner electronically via the Internet or by allowing the records to be viewed in electronic format on a computer screen and printed upon request. If the association has a photocopy machine available where the records are maintained, it must provide parcel owners with copies on request during the inspection if the entire request is limited to no more than **25 pages**. An association shall allow a member or his or her authorized representative to use a portable device, including a smart phone, 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 member or his or her authorized representative with a copy of such records. The association may not charge a fee to a member or his or her authorized representative for the use of a portable device.

(a) The failure of an association to provide access to the records within 10 business days after receipt of a written request submitted by certified mail, return receipt requested, creates a rebuttable presumption that the association willfully failed to comply with this subsection.

(b) A member who is denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply with this subsection. The minimum damages are to be \$50 per calendar day up to 10 days, the calculation to begin on the 11th business day after receipt of the written request.

(c) The association may adopt reasonable written rules governing the frequency, time, location, notice, records to be inspected, and manner of inspections, but may not require a parcel owner to demonstrate any proper purpose for the inspection, state any reason for the inspection, or limit a parcel owner's right to inspect records to less than one 8-hour business day per month. 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. The association shall maintain an adequate number of copies of the recorded governing documents, to ensure their availability to members and prospective members. Notwithstanding this paragraph, the following records are not accessible to members or parcel owners:

1. Any record protected by the lawyer-client privilege as described in s. 90.502 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 an association in connection with the approval of the lease, sale, or other transfer of a parcel.

3. Personnel records of association or management company employees, including, but not limited to, disciplinary, payroll, health, and insurance records. For purposes of this subparagraph, the term "personnel records" 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.

4. Medical records of parcel owners or community residents.

5. Social security numbers, driver license numbers, credit card numbers, electronic mailing addresses, telephone numbers, facsimile numbers, emergency contact information, any addresses for a parcel 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. Notwithstanding the restrictions in this subparagraph, an association may print and distribute to parcel owners a directory containing the name, parcel address, and all telephone numbers of each parcel owner. However, an owner may exclude his or her telephone numbers from the directory by so requesting in writing to the association. An owner may consent in writing to the disclosure of other contact information described in this subparagraph. The association is not liable for the disclosure of information that is protected under this subparagraph if the information is included in an official record of the association and is voluntarily provided by an owner and not requested by the association.

6. Any electronic security measure that is used by the association to safeguard data, including passwords.

7. 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. The data is part of the official records of the association.

(d) The association or its authorized agent is not required to provide a prospective purchaser or lienholder with information about the residential subdivision or the association other than information or documents required by this chapter to be made available or disclosed. The association or its authorized agent may charge a reasonable fee to the prospective purchaser or lienholder or the current parcel 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.