



Rules and Regulations Regarding Inspection and Copying of Records

Laguna Pointe Condominium Association of Pensacola, Inc.

September 12, 2013

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Rules and Regulations Regarding Inspection and Copying of Records

Taken from *Managing the Florida Condominium*, William D. Clark
Publication 80886, Release 13 April 2006
Chapter 4, Section 4.704

I. DEFINITIONS.

- A. Copy** shall mean a copy of a record reproducible in its entirety on one side of either a single 8 ½ inches by 11 inches or a single 8 1/2 inches by 14 inches sheet. The Association shall not be required to reproduce and make copies available of documents with a sheet size greater than 8 ½ inches by 14 inches.
- B. Official Records** are those records designated by the Florida Condominium Act, as amended from time to time, and otherwise not excluded by law, rule, or court decision. However, “official records” does not include the contents of sealed ballot envelopes that have been submitted to the association prior to the meeting at which the ballots will be opened and counted, nor the contents of sealed proxy envelopes that have been submitted to the association prior to the meeting at which the proxies will be opened, verified as legitimate, and submitted for counting, nor the contents of sealed ballot envelopes that have been marked “Disregarded” during the ballot counting process, although in all cases the outer envelope shall be an “official record”.
- C. Record** shall mean a document or group of documents relating to a particular matter. By way of example, the following constitute one (1) record each, monthly phone bill as sent by the utility, monthly bank statement with enclosures as sent by the bank, the general ledger of a particular fund for one month, a paid invoice from one vendor as sent by that vendor, and the minutes of a meeting held at one particular time and date. The Secretary shall, in his or her sole discretion, determine what constitutes a single record. Under no circumstances does a record include any document not already in existence, nor records whose retention period has expired as provided for by law or rule whether or not said records are still in existence. Records not maintained in written form may be requested, however, the cost of conversion of the record into written form will be borne by the requesting unit owner.
- D. Time Periods.** When computing time periods herein, the day of the event from which the designated period of time begins to run shall not be included, nor shall any intervening Saturday, Sunday, legal or public holiday. The last day of the period so computed will be included unless it is a Saturday, Sunday, legal or public holiday, in which event the period shall run until the end of the next day that is neither a Saturday, Sunday, legal or public holiday. Legal and public holidays as used herein shall be deemed to be those holidays specified in Chapter 683 Florida Statutes as amended from time to time.

- E. Unit** is as defined in the Florida Condominium Act, as amended from time to time.
- F. Unit Owner** is as defined in the Florida Condominium Act, as amended from time to time. For the purposes of record inspection and copying only, the term “unit owner” also includes a unit owner’s authorized representative as designated in a writing signed by the unit owner and provided to the Secretary in advance of the exercise of any authority there under. However, any designation by a unit owner of an authorized representative for record inspection purposes shall only be valid for a period of 90 days, or until the unit owner personally submits any record inspection request, whichever shall first occur.
- G. Working day** shall be deemed to mean a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a legal holiday as defined above, between the hours of 9:00 a.m. and 4:00 p.m.

II. INSPECTION AND COPYING.

- A.** A unit owner desiring to inspect the records of this organization shall submit a written request by certified mail, return receipt requested, addressed to the Secretary of the Association at the following address: PO 4843, Pensacola, FL, 32507. No requests received by email or other method of delivery and no requests delivered to any other officer or board member will be processed by the Association. The request shall be in a separate document apart from any other correspondence directed to the Association. If the request incorporates prior written correspondence, a copy of the prior written correspondence shall be attached to the request, but the request must identify all records sought to be inspected without need to review the prior written correspondence. The request shall describe each record desired in sufficient specificity to identify it and must specify the pertinent dates or time periods. The request must be legible and must describe records by type such as listed in section 718.111(12) Florida Statutes and not by subject matter such as “all insurance information.”
- B.** Requests to inspect records shall be limited to three requests per 30 days. Once a written request to inspect records has been received from a unit owner and responded to by the Association pursuant to section D. below, no additional requests to inspect documents shall be permitted by the same unit owner until the preceding inspection has occurred. Requests to inspect the official records shall be limited to 3 inspections per 30-day period except in the event of an emergency as determined to exist by the Board, in which case a 4th inspection may be scheduled within a 30-day period.
- C.** Each inspection request is limited to 50 pages of materials to be produced at any one time and limited to 10 documents or categories of documents such as “bank statements“ for a given period or “invoices“ from a specific vendor. Requests which exceed these limits, those items exceeding the limit will be denied in their entirety except in the event of an emergency as determined to exist by the Board, in which case additional documents may be provided for inspection at the board’s sole discretion.

- D.** Upon receipt of the written request and within the time periods permitted by law, the association shall respond to the unit 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 Secretary asserts an exemption to the disclosure, the unit owner or authorized representative requesting the record shall be advised in writing of the specific grounds for exemption.
- E.** The record inspection shall occur at the time, date and place designated by the association in its response to the unit owner or authorized representative and will be under the supervision of a person or persons designated by the association to monitor and assist in the record inspection. The record inspection session shall not extend beyond one (1) hour. The Secretary may institute any supervision or reasonable security measures with regard to the record inspection.
- F.** 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.
- G.** The right to obtain copies of records is incidental to, and a part of, the inspection of records. During the inspection of records, a unit owner or authorized representative may use a portable device capable of taking photographs provided by the owner/ representative for the purpose of making an electronic copy of the official records during the inspection. A list of documents so copied shall be made by the owner/ representative at the document inspection. There will be no charge to an owner/ representative for the use of the portable device. Additionally, during the inspection of records, the unit owner or authorized representative may request the association to 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.
- H.** If during the inspection of records, the unit owner has determined the need or desire for a copy said record, the association shall make or obtain those copies and provide same to the unit owner within five (5) working days from the date of the record inspection and subject to the association receiving prior payment therefore.
- I.** The association is not required to make and /or mail or deliver record copies to the unit owner or an authorized representative upon demand; but rather the unit owner or authorized representative can obtain record copies or request same, as detailed herein, during the records inspection.
- J.** A unit owner shall pay to the association in advance, the sum of 50 cents per page for copies of records, said payment to be either cash, business or personal check, whichever the association specifies. The association shall, at its option prepare record copies on single-sided sheets or duplexes. A duplex copy shall be, for the purposes of the 50 cents per page charge, two copies. The association shall not, however, be

required to copy two separate documents on a single page for the purposes of minimizing the per page copy cost.

- K.** When a request to inspect documents is received from a unit and after an appointment to inspect the documents requested is set by the board and the set inspection information is communicated to the party requesting the inspection, confirmation by the requesting party that he/she will attend the set inspection shall be required at least 24 hours prior to the set inspection time. Confirmation must be communicated to the board secretary, president, and property manager. Failure to confirm the set inspection will result in the cancellation of the inspection. An inspection canceled for failure to confirm will require the requesting party to re-submit via certified mail another request to inspect documents.
- L.** Once an inspection is set and confirmed, failure of the requesting owner to appear at the set inspection within 30 minutes of the set inspection time without notifying the board at least two hours prior to the set inspection shall constitute a completed inspection. A new request, via certified mail, to inspect documents will be required from the unit to inspect the requested documents.

III. MANNER OF INSPECTION.

- A.** No written request for inspection or copying shall be made in order to harass any unit owner, resident, association agent, officer, director, or employee. Inspection and copying requests not in conformance with these rules will be deemed to be harassment.
- B.** 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.

IV. ENFORCEMENT OF INSPECTIONS AND COPYING RULES.

- A.** 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.
- B.** Any written request for inspection or copying not complying with these rules will be denied. The association shall indicate in writing the nature of the noncompliance and transmit same to the requesting party within five working days subsequent to receipt of the written request.
- C.** Verbal request for inspection or copying will neither be honored nor acknowledged.
- D.** A request for record inspection and/or copies will be denied if the unit owner has, within two years preceding his demand, given, sold, or offered for sale any list of unit owners, or has aided or abetted any person in procuring any list of unit owners for any such purpose.

- E.** A request for record inspection and/or copies will be denied if the unit owner has within two (2) years preceding his demand, improperly used any information secured through any prior examination of the records of this association. Improper use shall include the providing to anyone not an association member a list of unit owners which is subsequently used for non-association or commercial purposes, or the selling or distribution of any information or records inspected, except to the extent that such use is for a proper purpose as defined in section 607.1602(3) or 671.1602(4), Florida Statutes, as applicable.
- F.** The association reserves the right to amend these rules from time to time as deemed necessary.
- G.** The association may take any available legal action to enforce these rules.