

REQUEST TO ACCESS ASSOCIATION RECORDS

Today's Date: _____, 20____. Date Received by CWL: _____, 20____

Florida law provides: The official records of the association are open to inspection by any association member or the authorized representative of such member at all reasonable times. The records of the association shall be made available to a unit owner within 45 miles of the association property or within the county in which the association property is located within 10 working days after receipt of written request by the board or its designee. Requests for information, complaints, questions and access to Official Association Records is deemed to be received **if it is sent to the Official Mailing Address shown above, via certified OR Priority U.S. Mail.** Any communication sent by email is not deemed to be received by the Association. Communications sent by email or U.S. Mail to the individual home of Directors or Officers are not deemed to be received by the Association. Further, the failure of an association to provide the records within 10 working days after receipt of a written request shall create a rebuttable presumption that the association willfully failed to comply. SEE: § 720.303.(5), Florida Statutes.

THE BOARD OF DIRECTORS OR ITS DESIGNEE OF

COCO WOOD LAKES ASSOCIATION INC.

I request to inspect and copy the following official records of the association:

List of each document to be inspected and/or copied	Was the document provided?	Comments
	Yes / No	
	Yes / No	
	Yes / No	
	Yes / No	
	Yes / No	
	Yes / No	
	Yes / No	
	Yes / No	

Name: _____ Unit Address: _____

Telephone Number: _____

This request to access records of the association and records checklist is designed to facilitate the inspection process. Use of this form is recommended, but not required.

DIRECTIONS TO UNIT OWNER: In the space provided above, enter the date, name of the association, and specifically identify and list the documents to be inspected and/or copied. In order to alleviate potential problems and to expedite the process, it is recommended that you narrow your request as much as possible for each issue targeted. Print your name, unit number, and telephone number at the bottom of the page. Send the original to the board or its designee and keep a copy for your use. Delivery of the request to the board or its designee should be made either by certified mail, return receipt requested or Priority Mail unless the association has adopted specific rules regarding requesting access to records in which case you should follow those rules. Once the association has received the request, it may help to facilitate the records access request by contacting the association to set up the appointment. **At the inspection, first inventory the documents provided against this list of requested records.** If the document requested is provided circle yes, if not, circle no. Then proceed with your records inspection appointment.

(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 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 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. Information an association obtains in a gated community in connection with guests' visits to parcel owners or community residents.

4. 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.

5. Medical records of parcel 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 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.

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

9. All affirmative acknowledgments made pursuant to s. 720.3085(3)(c)3.

(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.