



341296

LEGISLATIVE ACTION

Senate	.	House
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Senator Sachs moved the following:

Senate Amendment (with title amendment)

Between lines 27 and 28

insert:

Section 2. Paragraph (c) of subsection (12) of section 718.111, Florida Statutes, is amended to read:

718.111 The association.—

(12) OFFICIAL RECORDS.—

(c) 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 right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the member. The



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14 association may adopt reasonable rules regarding the frequency,
15 time, location, notice, and manner of record inspections and
16 copying. The failure of an association to provide the records
17 within 10 working days after receipt of a written request
18 creates a rebuttable presumption that the association willfully
19 failed to comply with this paragraph. A unit owner who is denied
20 access to official records is entitled to the actual damages or
21 minimum damages for the association's willful failure to comply.
22 Minimum damages are \$50 per calendar day for up to 10 days,
23 beginning on the 11th working day after receipt of the written
24 request. The failure to permit inspection entitles any person
25 prevailing in an enforcement action to recover reasonable
26 attorney's fees from the person in control of the records who,
27 directly or indirectly, knowingly denied access to the records.
28 Any person who knowingly or intentionally defaces or destroys
29 accounting records that are required by this chapter to be
30 maintained during the period for which such records are required
31 to be maintained, or who knowingly or intentionally fails to
32 create or maintain accounting records that are required to be
33 created or maintained, with the intent of causing harm to the
34 association or one or more of its members, is personally subject
35 to a civil penalty pursuant to s. 718.501(1)(d). The association
36 shall maintain an adequate number of copies of the declaration,
37 articles of incorporation, bylaws, and rules, and all amendments
38 to each of the foregoing, as well as the question and answer
39 sheet as described in s. 718.504 and year-end financial
40 information required under this section, on the condominium
41 property to ensure their availability to unit owners and
42 prospective purchasers, and may charge its actual costs for



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43 preparing and furnishing these documents to those requesting the
44 documents. Notwithstanding this paragraph, the following records
45 are not accessible to unit owners:

46 1. Any record protected by the lawyer-client privilege as
47 described in s. 90.502 and any record protected by the work-
48 product privilege, including a record prepared by an association
49 attorney or prepared at the attorney's express direction, which
50 reflects a mental impression, conclusion, litigation strategy,
51 or legal theory of the attorney or the association, and which
52 was prepared exclusively for civil or criminal litigation or for
53 adversarial administrative proceedings, or which was prepared in
54 anticipation of such litigation or proceedings until the
55 conclusion of the litigation or proceedings.

56 2. Information obtained by an association in connection
57 with the approval of the lease, sale, or other transfer of a
58 unit.

59 3. Personnel records of association or management company
60 employees, including, but not limited to, disciplinary, payroll,
61 health, and insurance records. For purposes of this
62 subparagraph, the term "personnel records" does not include
63 written employment agreements with an association employee or
64 management company, or budgetary or financial records that
65 indicate the compensation paid to an association employee.

66 4. Medical records of unit owners.

67 5. Social security numbers, driver's license numbers,
68 credit card numbers, e-mail addresses, telephone numbers,
69 facsimile numbers, emergency contact information, addresses of a
70 unit owner other than as provided to fulfill the association's
71 notice requirements, and other personal identifying information



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72 of any person, excluding the person's name, unit designation,
73 mailing address, property address, and any address, e-mail
74 address, or facsimile number provided to the association to
75 fulfill the association's notice requirements. However, an owner
76 may consent in writing to the disclosure of protected
77 information described in this subparagraph.

78 a. An association may publish a directory that includes the
79 name, address, telephone number, and unit number for unit
80 owners. Unit owners may be included in the directory if the
81 inclusion of the information is authorized by the board of
82 administration. Upon approval by the board, each unit owner
83 shall be notified in writing of the board's action. The unit
84 owner has 30 days to file a written objection only to the
85 inclusion of his or her telephone number. The directory may not
86 be published until after the 30-day objection period has
87 expired. The telephone number of a unit owner who objects may
88 not be included in the directory.

89 b. The association is not liable for the inadvertent
90 disclosure of information that is protected under this
91 subparagraph if the information is included in an official
92 record of the association and is voluntarily provided by an
93 owner and not requested by the association.

94 6. Electronic security measures that are used by the
95 association to safeguard data, including passwords.

96 7. The software and operating system used by the
97 association which allow the manipulation of data, even if the
98 owner owns a copy of the same software used by the association.
99 The data is part of the official records of the association.

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101 ===== T I T L E A M E N D M E N T =====

102 And the title is amended as follows:

103 Delete line 10

104 and insert:

105 notice of lien; amending s. 718.111, F.S.; providing
106 for the publication of a directory of unit owners if
107 approved by the board; providing an effective date.