

Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
 2 Representative Moraitis offered the following:

Amendment (with title amendment)

Between lines 252 and 253, insert:

Section 4. Paragraph (c) of subsection (5) of section
720.303, Florida Statutes, is amended to read:

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 and must be open to
inspection and available for photocopying by members or their
authorized agents at reasonable times and places within 10
business days after receipt of a written request for access.
This subsection may be complied with by having a copy of the
official records available for inspection or copying in the
community. If the association has a photocopy machine available
where the records are maintained, it must provide parcel owners

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20 with copies on request during the inspection if the entire
21 request is limited to no more than 25 pages.

22 (c) The association may adopt reasonable written rules
23 governing the frequency, time, location, notice, records to be
24 inspected, and manner of inspections, but may not require a
25 parcel owner to demonstrate any proper purpose for the
26 inspection, state any reason for the inspection, or limit a
27 parcel owner's right to inspect records to less than one 8-hour
28 business day per month. The association may impose fees to cover
29 the costs of providing copies of the official records,
30 including, without limitation, the costs of copying. The
31 association may charge up to 50 cents per page for copies made
32 on the association's photocopier. If the association does not
33 have a photocopy machine available where the records are kept,
34 or if the records requested to be copied exceed 25 pages in
35 length, the association may have copies made by an outside
36 vendor or association management company personnel and may
37 charge the actual cost of copying, including any reasonable
38 costs involving personnel fees and charges at an hourly rate for
39 vendor or employee time to cover administrative costs to the
40 vendor or association. The association shall maintain an
41 adequate number of copies of the recorded governing documents,
42 to ensure their availability to members and prospective members.
43 Notwithstanding this paragraph, the following records are not
44 accessible to members or parcel owners:

45 1. Any record protected by the lawyer-client privilege as
46 described in s. 90.502 and any record protected by the work-
47 product privilege, including, but not limited to, a record

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48 prepared by an association attorney or prepared at the
49 attorney's express direction which reflects a mental impression,
50 conclusion, litigation strategy, or legal theory of the attorney
51 or the association and which was prepared exclusively for civil
52 or criminal litigation or for adversarial administrative
53 proceedings or which was prepared in anticipation of such
54 litigation or proceedings until the conclusion of the litigation
55 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 parcel.

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

66 4. Medical records of parcel owners or community
67 residents.

68 5. Social security numbers, driver's license numbers,
69 credit card numbers, electronic mailing addresses, telephone
70 numbers, facsimile numbers, emergency contact information, any
71 addresses for a parcel owner other than as provided for
72 association notice requirements, and other personal identifying
73 information of any person, excluding the person's name, parcel
74 designation, mailing address, and property address. Associations
75 may print and distribute to parcel owners a directory containing

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76 the name, parcel address, and telephone number of parcel owners.

77 However, an owner may exclude his or her telephone number from

78 the directory by so requesting in writing to the association

79 ~~consent in writing to the disclosure of protected information~~

80 ~~described in this subparagraph.~~ The association is not liable

81 for the disclosure of information that is protected under this

82 subparagraph if the information is included in an official

83 record of the association and is voluntarily provided by an

84 owner and not requested by the association.

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

87 7. The software and operating system used by the
88 association which allows the manipulation of data, even if the
89 owner owns a copy of the same software used by the association.
90 The data is part of the official records of the association.

91 Note.—Former s. 617.303.

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97 **T I T L E A M E N D M E N T**

98 Remove line 12 and insert:

99 association unit owners acquiring title; amending s. 720.303,
100 F.S.; providing homeowner's associations the authority to print
101 and distribute a directory; providing an
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