

## NOTICE OF ASSOCIATION'S NONCOMPLIANCE WITH FLORIDA'S CONDOMINIUM STATUTE — FLA. STAT. SEC. 718.111

**THE ASSOCIATION AS DEFINED BY FLA. STAT. SEC. 718.103(3), MUST DELIVER THE RECORDS TO THE OWNER AND/OR REPRESENTATIVE WITHIN 10 WORKING DAYS AFTER RECEIPT OF THE OWNER'S REQUEST. THIS IS A COURTESY NOTICE THAT THE CONDOMINIUM ASSOCIATION HAS FAILED TO DO SO AND A DEMAND THAT THE CONDOMINIUM ASSOCIATION IMMEDIATELY CURE THE NONCOMPLIANCE. THE OWNER RESERVES THE RIGHT TO EXERCISE ALL REMEDIES IN EQUITY AND AT LAW.**

### **THIS IS A REMINDER THAT THE CONDOMINIUM ASSOCIATION MUST, IN PART:**

- Permanently maintain all official records specified in [Fla. Stat. Sec. 718.111\(12\)\(a\)1.-6.](#) from the inception of the Association to the present. Video recordings for meetings conducted via video conference must be maintained for at least 1 year after the date the video recording is posted as under paragraph (g). See [Fla. Stat. Sec. 718.111\(12\)\(a\)1.-6.](#)
- Retain all other official records specified in [Fla. Stat. Sec. 718.111\(12\)\(a\)7.-15., 17.-21.](#), for at least 7 years unless otherwise specified by general law. See [Fla. Stat. Sec. 718.111\(12\)\(b\).](#) Records under [Fla. Stat. Sec. 718.111\(12\)\(a\)16.](#), must be maintained for at least 1 year after receipt of the bid. See [Fla. Stat. Sec. 718.111\(12\)\(b\).](#)
- Provide access to the requested Records within 10 working days of receipt of a written request. Failure to do so creates a rebuttable presumption of the Association's willful non-compliance, which is subject to the penalties set forth below. See [Fla. Stat. Sec. 718.111\(12\)\(c\)1.a.](#)
- Make Records available within forty-five (45) miles of the Property or within the county where the Property is located. Alternatively, the Association may provide access electronically or via a website. See [Fla. Stat. Sec. 718.111\(12\)\(b\).](#)
- Allow the Owner and/or Representative to inspect the Records of the Association at all reasonable times at a reasonable expense if providing hard copies. See [Fla. Stat. Sec. 718.111\(12\)\(c\)1.a.](#)
- Allow Owner and/or the Representative to make copies of Records using personal devices (e.g., smartphones, tablets, portable scanners, cameras, or other technology capable of scanning or taking photographs) without charging the Owner and/or Representative fees or costs. See [Fla. Stat. Sec. 718.111\(12\)\(c\)5.](#)
- Provide a checklist to Owner and/or Representative detailing all Records provided and any Records that are unavailable. See [Fla. Stat. Sec. 718.111\(12\)\(c\)1.b.](#)
- Copies of declaration, articles of incorporation, bylaws, rules and amendments, as well as Q&A sheet, most recent financial statement, and budget shall be maintained on the condominium property. See [Fla. Stat. Sec. 718.111\(12\)\(c\)5.](#)

### **PENALTIES IF THE ASSOCIATION WILLFULLY WITHHOLDS OR FAILS TO PROVIDE ACCESS TO RECORDS:**

**DAILY PENALTIES:** **FINES.** \$50 per calendar day, for up to 10 days, beginning on the 11th working day after the request for Records. See Fla. Stat. Sec. 718.111(12)(c)1.a.

**CRIMINAL PENALTIES:** **SECOND-DEGREE MISDEMEANOR.** For directors, board members, or managers who willfully and knowingly or intentionally violate access requirements. See Fla. Stat. Sec. 718.111(12)(c)2.

**FIRST-DEGREE MISDEMEANOR.** For any person who willfully and knowingly or intentionally defaces or destroys accounting records required to be maintained in Chapter 718, Fla. Stats., or who willfully and knowingly or intentionally fails to create or maintain accounting records required to be maintained with the intent of causing harm to the Association or one or more of its members See Fla. Stat. Sec. 718.111(12)(c)3.

**THIRD-DEGREE FELONY.** For any person who willfully and knowingly or intentionally refuses to release or otherwise produce Association records with the intent to avoid or escape detection, arrest, trial, or punishment for the commission of a crime, or to assist another person with the same. See Fla. Stat. Sec. 718.111(12)(c)4.

**ATTORNEYS' FEES:** **LAWSUIT TO ENFORCE CONDOMINIUM ASSOCIATION COMPLIANCE.** The failure to permit inspection entitles any person prevailing in an enforcement action to recover reasonable attorney fees from the person in control of the records who, directly or indirectly, knowingly denied access to the records. See Fla. Stat. Sec. 718.111(12)(c)1.a.

### **DISCLAIMERS:**

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