

# Gateway Greens Community Association (GGCA) Policy - Adopted

## Title: Official Record Access Policy

Purpose: To establish the policy by which Members of Gateway Greens Community Association may inspect or be provided with photocopies of records of the Association.

### **OFFICIAL MAILING ADDRESS OF THE ASSOCIATION FOR RECORDS REQUESTS:**

Gateway Greens Community Association, Inc.  
Attention: Board of Directors  
c/o Alliant Property Management, LLC  
13831 Vector Drive  
Fort Myers, FL 33907

Requests for access to Official Association Records is deemed to be received only if it is sent to the Official Mailing Address shown above, via certified U.S. Mail, return receipt requested. Communications regarding Record Requests sent by email to the Management Company, or sent by email or U.S. Mail to the individual homes or offices of Officers or Directors, or made verbally to any Officer, Director or Agent of the Association are not deemed to be received by the Association.

### **FREQUENCY OF INQUIRIES AND REQUESTS FOR ACCESS TO OFFICIAL ASSOCIATION RECORDS:**

The Association will process and respond to no more than one written inquiry or request for access to Official Records in any 30-day period by any member.

### **INSPECTION AND COPYING OF ASSOCIATION RECORDS**

#### **I. RECORDS DEFINED**

The Official Records available for inspection and copying are those designated by section 720.303(4), Florida Statutes, as amended from time to time.

#### **II. PERSONS ENTITLED TO INSPECT OR COPY**

Every member or member's authorized representative, as designated in writing, (hereinafter collectively referred to as "member") shall have the right to inspect or copy the Official Records (hereinafter "Records"), as defined in Chapter 720, Florida Statutes, and subject to the exceptions in the Law, pursuant to the following rules:

### III. INSPECTION AND PHOTOCOPYING

- A. A member desiring to inspect the Association's Records shall submit a written request to the Association, at the Official Mailing Address of the Association by certified mail, return receipt requested. The written request for access to the Records for inspection and/or copying must specifically designate the record or records to be inspected. A general request to inspect and copy the Records is not acceptable. The record to be inspected must be described with sufficient detail as to allow the Association to locate that Record. In addition, the request must specify the particular Record subject to inspection including pertinent dates or time periods and shall state whether the request is for inspection or a photocopy.
1. Neither the Association nor its property manager will research the Records. For example, a request to “provide the utility bills for the five most expensive months during the past three years” would not be acceptable. A request for “provide access to all electric bills for calendar years 2014, 2015 and 2016” would be acceptable.
  2. Neither the Association nor its property manager will be required to interpret any document found within the Records and need not answer questions for a Member during the course of the inspection of the Records. Questions can be submitted in writing to management at the Official Mailing Address shown above for a later response by the Association Board or management in person, at a meeting or in writing, if appropriate.
  3. Any request for access to the Records submitted by a Member who is in litigation with the Association or who has threatened litigation against the Association shall be referred to the Association’s counsel to facilitate the inspection of records by that Member or by that Member’s attorney. Other requests for inspection of Records may be referred to the Association’s counsel for assistance at the request of the Board of Governors or property manager.
  4. No document or report will be created in a format other than that document or report as kept in the ordinary course of business. To accommodate a request for inspection of the Records, records that are kept in an electronic format will be printed so that the Member can review them.
  5. Neither the Association nor its management shall be required to deliver records to a Member in any particular form.
  6. Notwithstanding the foregoing and in accordance with section 720.303(c), Florida Statutes, as may be amended from time to time, a Member shall not have the right to access or inspect the following records:
    - a. Any record protected by the lawyer-client privilege as described in section 90.502, Florida Statutes, as may be amended from time to time, and any record protected by the work-product privilege, including, but not limited to, any record prepared by the

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 was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings or which was prepared in anticipation of imminent civil or criminal litigation or imminent adversarial administrative proceedings until the conclusion of the litigation or adversarial administrative proceedings.

- b. Information obtained by the Association in connection with the approval of the lease, sale, or other transfer of a parcel.
  - c. Disciplinary, health, insurance, and personnel records of the Association's employees.
  - d. Medical records of parcel owners or other community residents.
  - e. 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.
  - f. Any electronic security measure that is used by the association to safeguard data, including passwords.
  - g. 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.
- B. Inspection or photocopying of Records shall be limited to those Records specifically requested in advance, in writing.
  - C. No member may submit more than one request for inspection or copying of the same Record in any six-month period.
  - D. No member may submit more than one request in a thirty (30) day period.
  - E. No member may request the inspection of more than twenty (20) Records at any one time, nor shall the Association be required to produce Records for inspection exceeding 200 pages at one time. If the member's request exceeds either of these limitations, the Association shall provide Records for inspection in the order requested by the member up to the limiting factor, and the member shall be notified that the other Records will be made available for inspection at another inspection session upon receipt of another written request of the member. The foregoing limitations shall not apply to any member's request for copies of Records that shall be photocopied and delivered to the member subject to other provisions of this policy.
  - F. All inspection of Records shall be conducted at the Management Company Offices, or at such other location as may be designated by the Association, from time to time. No portion of the Records shall be removed by the

Member from the location of inspection. No Member may mark, write upon or otherwise alter any portion of the Records. Any violation of this provision may result in a suspension of that Member's right to inspect the Records.

- G. Records shall be made available for inspection by the Association on or before the tenth business day subsequent to actual receipt by the Association of the written request for inspection. This time frame may be extended by written request of the member. In addition, this time frame shall be extended in the event Records are so voluminous or otherwise in such condition as to render this time frame unreasonable. The Association shall notify the Member, by telephone, in person, or in writing, that the Records are available and the time, date and place for such inspection.
- H. Inspections shall be made only by appointment, during regular business hours, on weekdays. Pursuant to section 720.303(5)(c), Florida Statutes, as may be amended from time to time, a Member is entitled to one-8 hour business-day per month to inspect records.
- I. If a member desires to obtain a photocopy of any Record, the member shall designate in writing which Record is desired, or during an inspection the Member may designate such Record by use of a tab or clip upon the pages desired. Any written request shall designate the specific Record or portion thereof. For less than twenty-five (25) pages, copies may be available immediately. For more than twenty-five (25) pages, copies of the Record(s) shall be available within approximately five working days of receipt of the request. In the event the above referenced time frame is impracticable due to the voluminous nature or condition of the Records, then copies will be made available as soon as is practical.
- J. At the time of inspection, a Member may 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 with a copy of such records. The Association will not charge a fee for use of a portable device by the Member.
- K. The Association may impose fees to cover the costs of providing copies of the official records, including, without limitation, the costs of copying. A member shall pay 25 cents per page for regular or legal sized photocopies, remittable by personal or business check payable to Gateway Greens Community Association, Inc. Cash will only be payable to a representative of the Accounting Department at the Management Company's principle office.

#### **IV. MANNER OF INSPECTION**

- A. No written request for inspection or copying shall be made in order to harass any member, resident or Association agent, officer, director or employee.

- B. All persons inspecting or requesting copies of Records shall conduct themselves in a business-like manner and shall not interfere with the operation of the Management office or office where the Records are otherwise inspected or copied. There will be a staff person or Board Member present to assist in the inspection. In the event that the conduct of a Member during the inspection of the Records becomes disruptive or otherwise inappropriate for the location of the inspection, the inspection may be terminated at the discretion of the Association or its agent.
- C. The Association shall maintain a log detailing:
  - 1. The date of receipt of the written request for inspection;
  - 2. The name of the requesting party;
  - 3. The requested Records;
  - 4. The date the member was notified of the availability of the Records;
  - 5. The date the Records were made available for inspection or copying;
  - 6. The date of actual inspection or copying;
  - 7. The signature of the member acknowledging receipt or access to the Records. Every person inspecting or receiving copies of Records shall sign said log or a comparable receipt prior to inspection or receipt of copies.

**V. ENFORCEMENT OF INSPECTION 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 requests for inspection or copying not complying with these rules shall not be honored. 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 from the member. Any verbal requests for inspection or copying may be responded to at the time by the Association representative notifying the requesting person of the existence of this Official Record Access Policy and pointing out the necessity of complying herewith.
- C. The Board of Directors may take any available legal action to enforce these rules.

Adopted unanimously by the Board of Governors on May 18, 2017.

**REQUEST FOR PHOTOCOPYING OF  
GATEWAY GREENS COMMUNITY ASSOCIATION, INC. OFFICIAL RECORDS**

**TO:** BOARD OF GOVERNORS

**FROM:** MEMBER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

(If Designated Representative, please check here  and submit signed and dated copy of authorization to request photocopying of Association Official Records.)

**RE:** REQUEST FOR PHOTOCOPY OF ASSOCIATION'S RECORDS

**DATE:** \_\_\_\_\_, 20 \_\_\_\_\_

Dear Sir or Madam:

Pursuant to the procedure contained in the Official Record Access Policy, I hereby request that the following Official Records of the Association, or portion thereof, be photocopied for my review (use separate attachments if necessary):

Pursuant to Article III, paragraph K of the above-referenced policy, attached herewith is the amount of \$\_\_\_\_\_, (\$25.00 minimum) as a condition to the Association's photocopying of said Official Records. I understand that if additional funds are necessary to cover actual costs, payment will be made before the photocopy of the Official Records are released. Additionally, if the costs levied by the Association for photocopying are less than tendered herewith, the Association will refund the difference.

Member Signature(s):

\_\_\_\_\_  
\_\_\_\_\_

**REQUEST TO INSPECT  
GATEWAY GREENS COMMUNITY ASSOCIATION, INC. OFFICIAL RECORDS**

**TO:** BOARD OF GOVERNORS

**FROM:** MEMBER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

(If Designated Representative, check here  and submit signed and dated copy of authorization to request inspection of Association Official Records.)

**RE:** REQUEST TO INSPECT ASSOCIATION'S RECORDS

**DATE:** \_\_\_\_\_, 20 \_\_\_\_\_

Dear Sir or Madam:

Pursuant to the procedure contained in the Official Record Access Policy, I hereby request an opportunity to inspect the following Records of the Association (use separate attachments if necessary):

I/We understand that a representative of the Association will be in contact with me/us to provide a date, time and location to inspect the requested Association records, provided that those records are not exempt from disclosure by 720.303(4), Florida Statutes, as amended from time to time. Furthermore, I understand that any request for photocopies of Records at the time of inspection may not be able to be accommodated subject to the provisions of the Official Record Access Policy.

**Preferred Method of Contact:**  US Mail to Member's address above.

Phone : \_\_\_\_\_

Member Signature(s):

\_\_\_\_\_

\_\_\_\_\_

**LOG SHEET**

**OFFICIAL RECORDS INSPECTION  
OR  
RECEIPT OF OFFICIAL RECORDS PHOTOCOPY**

**GATEWAY GREENS COMMUNITY ASSOCIATION, INC.**

Pursuant to the Official Records Access Policy, this log sheet shall be utilized in connection with the receipt of photocopies or inspection of Association Records.

1. Name(s) of member(s) for whom Records access has been requested.

\_\_\_\_\_

2. Address: \_\_\_\_\_

3. Date of receipt of request for inspection or photocopying (date received by Association).

\_\_\_\_\_, 20 \_\_\_\_\_

4. Person signing Records access request, if Designated Representative. *Please print name(s).*

\_\_\_\_\_

5. Records requested to be inspected or copied:  
(Use separate attachment if necessary)

\_\_\_\_\_

\_\_\_\_\_

6. Date Member(s) requesting inspection or copying notified of availability of Records for inspection or copying.

\_\_\_\_\_, 20 \_\_\_\_\_

7. Date person requesting inspection or copying actually inspected or received copies of Records.

\_\_\_\_\_, 20 \_\_\_\_\_

(over)



ACKNOWLEDGEMENT by individual(s) submitting Request to Inspect or Request for Photocopy that Records were inspected or copies received per request (photocopies will not be released, nor will full inspection of Records be permitted until this log sheet is signed).

Member Signature(s):  
(Note: All persons signing request must sign log.)

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Association Representative(s) Signature(s) and Title(s):

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