

LEGAL



Protecting the Association's Official Records

BY MARK FRIEDMAN, FLORIDA BAR CERTIFIED AS A SPECIALIST
IN CONDOMINIUM AND PLANNED DEVELOPMENT LAW

The official records are all written records of the Association, which are specifically outlined in Section 718.111(12), Florida Statutes. Unit owners or their authorized representatives have the right to inspect the official records within ten business days of receipt of a written request.

Protecting the official records.

In many condominium buildings there is no office or secure central location for maintaining the official records of the Association. Often, these documents are kept within a condominium unit of a particular Board member or officer. This can create some issues.

Snowbirds

If you maintain the official records in your unit and are a "snowbird," and are only present for a few months out of the year during "season," then you must consider how access to those documents will be provided to owners in the "off-season" when you are absent. Will you provide a key to your unit to another Board member, will you transfer custody and control of the official records to another Board member? Will you let the management company (usually at an extra charge to the Association) store the records

for you? Did you upload the records to "cloud" storage so that they are available from anywhere in the world? As season has come to an end for most, if your community has not dealt with this prior to everyone's departure, I encourage you to consider the foregoing.

Sudden and Permanent Departure from Unit

In a housing for older persons community, over time, due to their age, Board members and officers can, at times, end up in nursing homes or deceased. What happens when the next-of-kin finds a box of official records in your unit? There have been instances where the documents appeared to be a disorganized box of paper and thrown out. I strongly recommend that you organize your records into concise notebooks, and on each notebook's cover write "Property of (insert name of the condominium association)" and "Return to (insert name)" with that person's phone number and email address. That way, if something suddenly and unexpectedly happens to the records custodian, the documents have a better chance of being preserved, than if they are just tossed into an unmarked box.

Storms

Another issue is protecting your official re-

ords from mother nature, such as a windstorm event like a hurricane or a flood event. Some condominiums have a room with a locked file cabinet, or the documents are located within a condominium unit, as described above, with all of the records in one box or one cabinet. If there is a flood or a significant windstorm event that hits the location where the records are found, that could result in a catastrophic loss, not only to the real property of the condominium and the Board members, but to the records of the Association. Take steps to avoid that from occurring. Create a digital record and upload it into the cloud. If the hard copies are ever destroyed, you will still have a complete set of documents. Protect your records.

Mark D. Friedman, B.C.S. is a shareholder in the law firm of Becker and is recognized by the Florida Bar as Board Certified in Condominium and Planned Development Law. This article is meant for educational purposes only and is not intended as legal advice. You should consult with your attorney about any of the issues presented. Mr. Friedman may be contacted at MFriedman@Beck-erlawyers.com.



Dentistry Trusted & Caring 561-684-3505

5766 Okeechobee Blvd. • Across from CV & West Gate



We Listen, Care & Explain

The Latest Procedures, Instruments & Techniques Gentle, Private-Practice Dentist, J.H. Wolff, DMD.

Dental Implant Restoration • Extractions • Dentures • Crowns • Root Canal Therapy

Convenient Payment Options • Most Insurance Plans Accepted • Call Us Today For More Details



Dental Care To Fit Your Budget and Your Busy Schedule 0% Financing Available

Same Day Appointments • Emergencies Welcome • Saturday by Appointment

5766 Okeechobee Blvd. • West Palm Beach, FL 33417
561-684-3505 • SunriseDCFlorida.com • Now Open 7:45am-6pm