

**IN THE COUNTY COURT OF THE 18TH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA**

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|---------------------------|---|------------------------------------|
| KATHRYN FAVATA, |) | Case No. 05-2022-SC-026729-XXXX-XX |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| TENNIS VILLAGE HOMEOWNERS |) | |
| ASSOCIATION, INC., |) | |
| |) | |
| Defendant, |) | |
| _____ |) | |

FINAL CONSENT JUDGMENT FOR PLAINTIFF

THIS CAUSE came before the Court on the parties stipulated consent for final judgment.

FINDINGS OF FACT:

1. Plaintiff Kathryn Favata is a member of the Tennis Village Homeowners Association, Inc.
2. Defendant Tennis Village Homeowners Association, Inc. ("TVHA") is subject to Florida Statutes § 720, et seq.
3. On October 11, 2021, Defendant TVHA held a Board of Directors meeting wherein the audio of the meeting was recorded.
4. On October 28, 2021, Plaintiff Kathryn Favata made a written demand for a copy of the October 11, 2021, Board of Directors meeting to Defendant TVHA's agent, Dennis G. Collins of Collins Realty Group, Inc.
5. On November 8, 2021, Defendant TVHA's agent, Dennis G. Collins denied Plaintiff Kathryn Favata's records request contending that tape recordings are not official records subject to Florida Statutes § 720.303(5).
6. On November 24, 2021, Plaintiff Kathryn Favata requested Defendant TVHA's agent Dennis G. Collins who was acting on behalf of Defendant TVHA, to not destroy the requested tape recording.
7. On February 1, 2022, Defendant TVHA memorialized the minutes of the October 11, 2021, Board of Directors meeting, and thereafter destroyed the tape recording of the Board of Directors meeting.

8. Florida Statutes § 720.303(3) provides in relevant part "Minutes of all meetings of the members of an association and of the board of directors of an association must be maintained in written form or in another form that can be converted into written form within a reasonable time." The audio recording of Defendant TVHA's October 11, 2021, Board of Directors meeting were the official minutes of the meeting until the minutes were reduced to a written form approved by the Board of Directors.
9. Until the audio recording of Defendant TVHA's October 11, 2021, Board of Directors meeting was reduced to a written form approved by the Board of Directors, it was subject to Plaintiff Kathryn Favata's record request according to Florida Statutes § 720.303(5).

Based on the foregoing, it is ADJUDGED AND ORDERED:

1. As to Plaintiff's Count I for violation of Florida Statutes § 720.303(5), judgment is granted for Plaintiff Kathryn Favata.
10. Defendant TVHA is permanently enjoined from destroying tape recordings of Board of Directors meetings until reduced to an official written form.
11. Defendant TVHA shall pay Plaintiff Kathryn Favata \$500.00 for damages and costs of \$794.63, for a total of \$1,294.63, for which the parties agree and stipulate has already been paid and satisfied.
12. Plaintiff is not entitled to any further relief in this matter.

DONE and ORDERED in Brevard County, Florida on Friday, March 31, 2023

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A handwritten signature in black ink, appearing to read 'K. Friedland', written over a horizontal line.

Kenneth Friedland, County Judge
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