

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D20-2756

BRIAN ROBERT REILLY,

Appellant,

v.

LISA JO REILLY,

Appellee.

On appeal from the Circuit Court for Gulf County.
Shonna Young Gay, Judge.

October 13, 2021

PER CURIAM.

We reverse the trial court's order summarily denying without prejudice Appellant's petition for injunction for protection against stalking. We conclude the trial court erred in denying the petition without a hearing and without "noting the legal grounds for denial." Fla. Fam. L. R. P. 12.610(b)(3)(A) ("Upon the filing of a petition, the court shall set a hearing to be held at the earliest possible time. A denial of a petition for an ex parte injunction shall be by written order noting the legal grounds for denial."); *see McCaffrey v. Ashley*, 265 So. 3d 688, 689 (Fla. 5th DCA 2019) (holding that petitioner was entitled to either an order specifying the deficiencies in her allegations or an evidentiary hearing); *Chizh v. Chizh*, 199 So. 3d 1050, 1051 (Fla. 4th DCA 2016) ("[T]he trial judge's summary denial of the petition without a hearing and

without providing any explanation as to how the allegations are insufficient is improper.”).

On remand, the trial court shall enter an order specifying how the petition is insufficient or conduct a hearing on the petition as provided for in section 784.0485, Florida Statutes (2020), and Florida Family Law Rule of Procedure 12.610.

REVERSED and REMANDED.

BILBREY, JAY, and NORDBY, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Jerry L. Rumph and Jennifer Sweeting, Sweeting & Rumph, P.A., Tallahassee, for Appellant.

No appearance for Appellee.