

DISTRICT COURT OF APPEAL OF FLORIDA
SECOND DISTRICT

SIGNAL OUTDOOR ADVERTISING, LLC,

Appellant,

v.

METROPOLITAN SYSTEMS, INC.; HILLSBOROUGH AREA
REGIONAL TRANSIT AUTHORITY; AND HILLSBOROUGH COUNTY,

Appellees.

HILLSBOROUGH AREA REGIONAL TRANSIT AUTHORITY,

Appellant,

v.

METROPOLITAN SYSTEMS, INC.; SIGNAL OUTDOOR
ADVERTISING, LLC; AND HILLSBOROUGH COUNTY,

Appellees.

Nos. 2D20-2501 & 2D20-2505
CONSOLIDATED

June 16, 2021

Appeal pursuant to Fla. R. App. P. 9.130 from the Circuit Court for
Hillsborough County; Gregory P Holder, Judge.

Amy E. Stoll of Older, Lundy & Alvarez, Tampa, for Appellant Signal Outdoor Advertising, LLC.

Jessica C. Conner of Walker, Revels, Greninger & Netcher, PLLC, Orlando, for Appellant Hillsborough Area Regional Transit Authority.

Kristen M. Fiore of Akerman LLP, Tallahassee; and Leslie Joughin III and John L. Dicks II of Akerman, LLP, Tampa, for Appellee Metropolitan Systems, Inc.

LaROSE, Judge.

Signal Outdoor Advertising, LLC, and the Hillsborough Area Regional Transit Authority (HART) appeal the trial court's injunction entered in favor of Metropolitan Systems, Inc. We have jurisdiction. *See Fla. R. App. P. 9.030(b)(1)(B)* ("District courts of appeal shall review, by appeal . . . nonfinal orders as prescribed by rule 9.130"); *9.130(a)(3)(B)* (authorizing appeals of nonfinal orders granting injunctions).

The parties concede, and we agree, that paragraph "2.a." of the injunction, which prohibits Signal and HART from "interfering with Metro's priority right to install advertising benches in the unincorporated area of Hillsborough County," is overbroad; it fails to furnish "in reasonable detail the act or acts restrained." Fla. R. Civ. P. 1.610(c) ("Every injunction . . . shall describe in reasonable

detail the act or acts restrained without reference to a pleading or another document"); *see also, e.g., Hasley v. Harrell*, 971 So. 2d 149, 153 (Fla. 2d DCA 2007) ("[T]he injunction did not comport with the procedural rule because it referred to another document to describe the acts restrained. Moreover, neither the judgment nor the referenced document specifically set forth the restraints imposed on Hasley, as required by the rule and the statute.").

Paragraph 2.a. fails to "strictly comply" with the procedural rule and, in so doing, ensnares otherwise legal activity. *Polk County v. Mitchell*, 931 So. 2d 922, 925 (Fla. 2d DCA 2006) ("[A]n order granting a temporary injunction must strictly comply with [rule] 1.610(c)"); *see also, e.g., Smith v. Wiker*, 192 So. 3d 603, 604 (Fla. 2d DCA 2016) ("[T]he prohibition that Smith not linger on his driveway is overbroad because it encompasses conduct that could constitute stalking by harassing the neighbor but could also encompass activity that is perfectly legal."). Therefore, we reverse as to paragraph 2.a.; however, we affirm the injunction in all other respects.

Affirmed, in part; reversed, in part; and remanded.

MORRIS and SMITH, JJ., Concur.

Opinion subject to revision prior to official publication.