

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING  
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

In the Interest of A.M., a child. )  
\_\_\_\_\_)  
A.M., )  
          Appellant, )  
v. )  
DEPARTMENT OF CHILDREN AND )  
FAMILY SERVICES, )  
          Appellee. )  
\_\_\_\_\_)

Case No. 2D08-6133

Opinion filed May 29, 2009.

Appeal from the Circuit Court for  
Hillsborough County; Rex M. Barbas,  
Judge.

David A. Dee, Tampa, for Appellant.

Bill McCollum, Attorney General,  
Tallahassee, and Kimberly G. Gore,  
Assistant Attorney General, Tampa, for  
Appellee.

DAVIS, Judge.

A.M., the Father, challenges the trial court's order adjudicating his four-month-old child, A.M., dependent. The Department correctly concedes error because

the only evidence presented below to support an adjudication of dependency as to the Father was inadmissible hearsay. As such, the evidence presented below was insufficient, and we must reverse. See R.S. v. Dep't of Children & Families, 881 So. 2d 1130, 1132 (Fla. 4th DCA 2004) ("[R]eversal is required where the evidence is legally insufficient to sustain the findings of the trial court.").

Reversed.

FULMER and SILBERMAN, JJ., Concur.