

[17] It is well established that the “decision regarding how to train [law enforcement] officers and what subject matter to include in the training is clearly an exercise of governmental discretion regarding fundamental questions of policy and planning.” *Lewis*, 260 F.3d at 1266; *see also Cook ex rel. Est. of Tessier v. Sheriff of Monroe Cnty., Fla.*, 402 F.3d 1092, 1117-18 (11th Cir. 2005). Here, the pertinent allegations in count three clearly relate to the Sheriff’s decisions of how to train his deputies and what subject matter to include in said training. These alleged deficiencies in the Sheriff’s training of his deputies involve discretionary, planning-level functions for which the Sheriff is entitled to sovereign immunity. *See, e.g., Whitaker v. Miami-Dade County*, 126 F. Supp. 3d 1313, 1331 (S.D. Fla. 2015) (allegations that county failed “to adequately train its police officers to employ safe, reasonable and necessary techniques” during encounters with potential suspects involved discretionary governmental functions for which the county was immune from liability). Accordingly, count three must also be dismissed with prejudice.

V. Conclusion

We hold that the trial court erroneously denied Appellants’ motion to dismiss as to counts one and three, and we reverse and remand with instructions for the trial court to dismiss those counts with prejudice. We affirm the denial of Appellants’ motion to dismiss as to count two.

Affirmed in part, reversed in part, and remanded.

NORTHCUTT and SILBERMAN, JJ.,
Concur.



SPC FORTEBELLO, LLC, SPC Homes, Inc., Fortebello, LLC, Fortebello Homeowners Association, Inc., and Lazaro Rodriguez, Appellants,

v.

Denise CATUOGNO, Raymond Catuogno, Edwine E. Randall, Irene Borboroglu, Dale Stafford, Fenny E. Csaszar, Ross Csaszar, Duane L. Davis, Collene B. Davis, Karla J. Cooper, Jerry J. Cooper, et al., Appellees.

Case No. 5D21-2513

District Court of Appeal of Florida,
Fifth District.

Opinion filed August 5, 2022

Background: Present and former homeowners of housing development brought action against homeowners association, which was controlled by the developer, challenging association’s assessment of funds to cover damages from hurricane. Homeowners filed motion for temporary injunction, which the Circuit Court, 18th Judicial Circuit, Brevard County, Curt Jacobus, J., granted. Association appealed.

Holdings: The District Court of Appeal held that:

- (1) trial court’s order was insufficient to support temporary injunction, and
- (2) trial court failed to recite factual or legal basis sufficient to support order instructing developer to turn over association to member-controlled development.

Reversed and remanded with instructions.

1. Injunction ⇐1092

To satisfy the requirement that every injunction specify reasons for entry, for purposes of a temporary injunction, the

trial court must find that the parties seeking temporary injunction have established four elements: (1) a likelihood of irreparable harm, (2) the unavailability of adequate legal remedy, (3) a substantial likelihood of succeeding on merits, and (4) considerations of public interest support entry of injunction. Fla. R. Civ. P. 1.610(c).

2. Injunction ⇌1596

Trial court's order was insufficient to support temporary injunction, in action brought by present and former homeowners of housing development against homeowners association, challenging association's assessment of funds to cover damages from hurricane; even though the trial court made numerous factual findings, it did not include specific findings on each of the required elements necessary for issuance of an injunction, but rather, trial court merely made conclusory statement that the required elements had been established. Fla. R. Civ. P. 1.610(c).

3. Injunction ⇌1594

Because entering an injunction is an extraordinary remedy, trial courts must strictly comply with the statutory requirements for an injunction to allow for meaningful appellate review. Fla. R. Civ. P. 1.610(c).

4. Appeal and Error ⇌4555

Injunction ⇌1596

Where a temporary injunction does not include specific findings on each required element necessary for issuance of the injunction, reversal is required. Fla. R. Civ. P. 1.610(c).

5. Common Interest Communities ⇌159

Trial court failed to recite a factual or legal basis sufficient to support its order that homeowners association, which was

controlled by the developer of the housing development, should immediately start the process to turn over association to a member-controlled development, in action brought by present and former homeowners of housing development against association, challenging association's assessment of funds to cover damages from hurricane.

Nonfinal Appeal from the Circuit Court for Brevard County, Curt Jacobus, Judge. LT Case No. 2018-CA-37879

Jennifer A. Englert, of The Orlando Law Group, PL, Orlando, for Appellants.

Sonia Bosinger, of Arias Bosinger, PLLC, Melbourne, and George Gingo and James E. Orth, Jr., of Gingo & Orth, PLLC, Titusville, for Appellees.

PER CURIAM.

Fortebello Homeowners Association, Inc. ("Fortebello"), a developer-controlled homeowner's association, appeals a nonfinal order granting a motion for temporary injunction filed by certain present and former homeowners of the development.¹ We have jurisdiction pursuant to Florida Rule of Appellate Procedure 9.130(a)(3)(B). Because we were not provided with a transcript of the evidentiary hearing held below, we presume that the trial court's factual findings are correct. *Akre-Deschamps v. Smith*, 267 So. 3d 492, 494 (Fla. 2d DCA 2019). Accordingly, our review is limited to errors of law that are apparent from the face of the trial court's order and the other documents properly included in the appendices before us. *Id.*

It is unnecessary for us to detail the many disputes between the parties or for us to discuss all of the matters that were

1. The other appellants mentioned in the case style also oppose the granting of the injunc-

tion although it was addressed only to Fortebello.

the subject of the trial court's order. It is sufficient for us to simply address the deficiencies in the order.

[1] Florida Rule of Civil Procedure 1.610(c) requires every injunction to “specify the reasons for entry.” To satisfy this requirement, a trial court must find that the parties seeking a temporary injunction have established four elements: (1) a likelihood of irreparable harm; (2) the unavailability of an adequate legal remedy; (3) a substantial likelihood of succeeding on the merits; and (4) considerations of the public interest support the entry of the injunction. *Howell v. Orange Lake Country Club, Inc.*, 303 So. 3d 1009, 1011 (Fla. 5th DCA 2020); *Yardley v. Albu*, 826 So. 2d 467, 470 (Fla. 5th DCA 2002).

[2–4] Here, the trial court made numerous factual findings but failed to relate those factual findings to the four elements required for a temporary injunction. Because entering an injunction is an extraordinary remedy, trial courts must strictly comply with rule 1.610 to allow for meaningful appellate review. *Yardley*, 826 So. 2d at 470. The trial court's conclusory statement that the required elements have been established is insufficient. *See id.* Where a temporary injunction does not include specific findings on each of the required elements necessary for issuance of an injunction, reversal is required. *Phe-lan v. Trifactor Sols., LLC*, 312 So. 3d 1036, 1039 (Fla. 2d DCA 2021).

[5] Fortebello also challenges the trial court's written recitation that Fortebello “*should* immediately start the process to turn over Fortebello HOA to a member-controlled development.” (emphasis added).² To the extent that this statement constitutes the imposition of a legal obli-

gation on Fortebello, we agree that the order fails to recite a factual or legal basis sufficient to support such a requirement.

We reverse the order entered below and remand for the trial court to review the record, determine whether the record supports the required elements for injunctive relief and turnover of the association, and if so, enter an order that complies with rule 1.610. Because it is unnecessary for the resolution of this appeal, we decline to address the merits of the other arguments raised by Fortebello.

REVERSED and REMANDED with instructions.

EVANDER, EDWARDS and SASSO, JJ., concur.



Kevin VERICKER, Petitioner,

v.

Norman POWELL, Respondent.

No. 3D22-645

District Court of Appeal of Florida,
Third District.

Opinion filed August 10, 2022

Background: Village attorney sued blogger for defamation after blogger published critical comments about attorney. The Circuit Court, 11th Judicial Circuit, Miami-Dade County, Barbara Areces, J., denied blogger's summary judgment motion that invoking the anti-SLAPP statute. Blogger petitioned for writ of certiorari.

2. The court based this statement on its correct conclusion that the developer-controlled association invalidly amended the governing

documents to allow short-term rentals. Fortebello does not challenge the merits of that conclusion on appeal.