

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

TODD BARFIELD,

Appellant,

v.

Case No. 5D14-716

RANCE KAY,

Appellee.

_____ /

Opinion filed June 13, 2014

Non Final Appeal from the Circuit Court
for Marion County,
David B. Eddy, Judge.

Todd Barfield, Ocala, pro se.

Mark D. Shelnett and Rebecca A.
Guthrie, of Mark D. Shelnett, P.A.,
Ocala, for Appellee.

PER CURIAM.

Todd Barfield appeals the summary denial of his motion to vacate or modify an injunction for protection against repeat violence entered in favor of Rance Kay. We reverse.

Section 784.046(10), Florida Statutes (2013), allows a court to modify or dissolve an injunction at any time on the motion of an interested party. Likewise, Florida Rule of Family Procedure 12.610(6) allows an injunction to be modified or vacated under

specified circumstances. In either event, due process requires that Barfield is entitled to a hearing. See McFarr v. McKee, 83 So. 3d 776 (Fla. 5th DCA 2011).

REVERSED and REMANDED for further proceedings.

SAWAYA, ORFINGER and COHEN, JJ., concur.