

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

D.S.,

Appellant,

v.

Case No. 5D20-480

A.L.H.,

Appellee.

_____ /

Opinion filed July 10, 2020

Appeal from the Circuit Court
for Brevard County,
Charles J. Roberts, Judge.

Richard J. Feinberg, Indialantic, for
Appellant.

Elizabeth Siano Harris, of Harris Appellate
Law Office, Mims, for Appellee.

EVANDER, C.J.

Appellant challenges a final judgment of injunction for protection against domestic violence. He correctly argues that the trial court failed to conduct a full evidentiary hearing pursuant to section 741.30(5), Florida Statutes (2019), in violation of his due process rights. Accordingly, we reverse.

Parties are entitled to a full hearing prior to the trial court issuing a permanent injunction. See § 741.30(5), Fla. Stat. (2019); *Toler v. Pray*, 293 So. 3d 594, 595 (Fla. 2d

DCA 2020); *David v. Schack*, 192 So. 3d 625, 627 (Fla. 4th DCA 2016); *Johns v. Johns*, 101 So. 3d 377, 378 (Fla. 1st DCA 2012); *Furry v. Rickles*, 68 So. 3d 389, 390 (Fla. 1st DCA 2011).

“To satisfy due process requirements at an injunction hearing, the parties must have a reasonable opportunity to prove or disprove the allegations made in the complaint.” *Furry*, 68 So. 3d at 390. Here, the record reflects that the trial court failed to afford Appellant a reasonable opportunity to present evidence or any opportunity to cross-examine the witness against him. We reverse the final judgment and remand for further proceedings.

REVERSED and REMANDED.

EISNAUGLE and TRAVER, JJ., concur.