

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

SERENITY TOLER,)
)
 Appellant,)
)
 v.)
)
 SERIFE PRAY,)
)
 Appellee.)
_____)

Case No. 2D19-997

Opinion filed April 3, 2020.

Appeal from the Circuit Court for Collier
County; Scott H. Cupp, Judge.

Serenity Toler, pro se.

Cary A. Cliff of Cary Alan Cliff, P.A.,
Naples, for Appellee.

SLEET, Judge.

Serenity Toler appeals the trial court's Final Judgment for Protection
Against Stalking entered in favor of Serife Pray. Because Toler was denied the
opportunity to cross-examine Pray in violation of her due process rights, we reverse and
remand for further proceedings.

On October 5, 2018, Pray filed a petition for an injunction against Toler
pursuant to section 784.085, Florida Statutes (2018), alleging several instances of
harassment and stalking. After granting a temporary injunction pursuant to section

784.0485(5)(a), the trial court held a hearing to determine whether a permanent injunction was warranted. At that hearing, both parties appeared pro se. The trial court first heard from Pray via self-direct examination. Upon the conclusion of Pray's direct examination, the trial court asked if Pray had any other witnesses. The trial court then allowed Pray to call her supervisor and move into direct examination without first affording Toler an opportunity to cross-examine Pray.

Toler argues that the trial court erred in entering a permanent injunction against her without conducting an adequate evidentiary hearing in that it did not allow her to cross-examine Pray. Toler is correct. "Parties are entitled to a full hearing prior to the trial court issuing a permanent injunction." David v. Schack, 192 So. 3d 625, 627 (Fla. 4th DCA 2016) (quoting Furry v. Rickles, 68 So. 3d 389, 390 (Fla. 1st DCA 2011)); see also § 784.0485(5)(a) ("If it appears to the court that stalking exists, the court may grant a temporary injunction ex parte, pending a full hearing . . ."). "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. This includes allowing relevant testimony of pertinent, noncumulative witnesses who are present and cross-examination of the parties." David, 192 So. 3d at 627 (citation omitted) (quoting Furry, 68 So. 3d at 390). Here, the trial court erred in allowing Pray to call other witnesses before affording Toler an opportunity to cross-examine Pray. As such, Toler's due process rights were violated, and we must reverse and remand for further proceedings.

Reversed and remanded.

NORTHCUTT and MORRIS, JJ., Concur.