

Interpersonal Violence Injunctions (DV, SV, Dating, Repeat, Stalking) Case Law

Florida Supreme Court

No new opinions for this reporting period.

First District Court of Appeal

Tash v. Rogers o/b/o/ Minor Child E.R., ___ So. 3d ___, 2018 WL 3351302 (Fla 1st DCA 2018). [INJUNCTION AGAINST REPEAT VIOLENCE REVERSED](#). The trial court issued a final judgment granting a permanent injunction for protection against repeat violence for a father and daughter, and the respondent appealed. While one act of violence did occur, the appellate court reversed because a second act of violence, as required by statute, was not proven. Appellant's behavior did not cause a fear of imminent violence because there was no evidence offered to show that the respondent could actually carry out the threat.

https://edca.1dca.org/DCADocs/2017/2861/172861_1287_07092018_01292740_i.pdf (July 9, 2018)

Paulson v. Rankart, ___ So. 3d ___, 2018 WL 3370794 (Fla. 1st DCA 2018). [STALKING INJUNCTION REVERSED](#). The respondent appealed a stalking injunction, claiming that the alleged harassment happened more than six months before the petition was filed, and that the evidence was legally insufficient to support the injunction. The appellate court noted that the statute did not require the incidents to occur within the previous six months, however, the court reversed because it found that the evidence that the neighbor was watching the petitioner sunbathe and looking at her utility meters was not enough to cause substantial emotional distress, and that there was no evidence that the respondent willfully and maliciously engaged in a course of conduct directed at the petitioner.

https://edca.1dca.org/DCADocs/2017/1751/171751_1287_07112018_08551910_i.pdf (July 11, 2018)

Mitchell v. Brogden, ___ So. 3d ___, 2018 WL 3421777 (Fla. 1st DCA 2018). [STALKING INJUNCTION REVERSED](#). Even though the stalking injunction had expired, the court reviewed the case due to the collateral consequences of an injunction and reversed, finding that the behavior in question was not sufficient to cause substantial emotional distress. An interesting discussion of when a case should be heard en banc by the appellate court is offered in a dissent.

https://edca.1dca.org/DCADocs/2016/5849/165849_1287_07162018_08150923_i.pdf (July 16, 2018)

Second District Court of Appeal

Porvaznik o/b/o E.M.P. v. Porvaznik o/b/o R.M.P., ___ So. 3d ___, 2018 WL 3320856 (Fla. 2d DCA 2018). [ORDER DISSOLVING INJUNCTION AGAINST SEXUAL VIOLENCE REVERSED](#). On June 14, 2017, Mr. Porvaznik filed a motion to dissolve the permanent injunction for protection against sexual violence. A notice of hearing was served on July 14, 2017, indicating that the hearing would be on August 15, 2017. An amended notice of hearing was served on August 10, 2017, which

stated that the hearing on the motion had been rescheduled for August 22, 2017. However, on August 15, Mr. Porvaznik appeared with counsel prepared to present evidence in support of his motion to dissolve the injunction. Neither Ms. Porvaznik nor her counsel were present. The matter was also not on the court's docket for that day, and the court expressed concern that Ms. Porvaznik did not have adequate notice of the hearing. Even so, the court proceeded with the evidentiary hearing and dissolved the injunction. The appellate court reversed and stated that the trial court violated Ms. Porvaznik's due process rights because it conducted the evidentiary hearing without giving her proper notice and an opportunity to be heard.

https://edca.2dca.org/DCADocs/2017/3425/173425_39_07062018_08293286_i.pdf (July 6, 2018)

Third District Court of Appeal

Gonzalez v. Baez, ___ So. 3d ___, 2018 WL 3370931 (Fla. 3d DCA 2018). **DOMESTIC VIOLENCE INJUNCTION AFFIRMED**. The judge awarded a permanent domestic violence injunction and the respondent appealed, claiming that the petitioner testified about incidents that were not included in the petition, and that the testimony wasn't believable. The appellate court affirmed, noting that the trial court did not abuse its discretion and found the petitioner's testimony credible. The appellate court also stated that since the respondent did not object during the trial regarding the facts that were not alleged in the petition, and since his counsel had actually extensively questioned the petitioner, that he failed to preserve the issue for appeal.

<http://www.3dca.flcourts.org/Opinions/3D17-2167.pdf> (July 11, 2018)

Fourth District Court of Appeal

No new opinions for this reporting period.

Fifth District Court of Appeal

No new opinions for this reporting period.