

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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No. 1D17-4049

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CALVIN ELVIN COUNSIL,

Appellant,

v.

ZEIDA ANDERSON,

Appellee.

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On appeal from the Circuit Court for Duval County.  
Tyrie Boyer, Judge.

December 18, 2018

PER CURIAM.

Appellant seeks review of the order extending a temporary injunction for protection against domestic violence for 90 days. We reverse because there was no factual basis to enter or extend the injunction because, as the trial court orally found, there had been no violence between the parties.<sup>1</sup> Accordingly, even though the

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<sup>1</sup> Appellant did not challenge the legal basis for extending the temporary injunction, so we need not decide that issue. However, for the trial court's benefit in subsequent cases, we note that "[s]ection 741.30 'does not provide for the issuance of a series of temporary injunctions in lieu of a permanent injunction.'" *Dietz v. Dietz*, 127 So. 3d 1279, 1280 (Fla. 1st DCA 2013) (quoting *Bacchus v. Bacchus*, 108 So.3d 712, 716 (Fla. 5th DCA 2013)); *see also* §

injunction has now expired, we remand for entry of an order vacating the injunction. *See Pryor v. Pryor*, 141 So. 3d 1279, 1280 (Fla. 1st DCA 2014) (explaining that domestic violence injunctions are an exception to the usual rules of mootness because of the collateral consequences that flow from such injunctions) (quoting *Rodman v. Rodman*, 48 So. 3d 1022 (Fla. 1st DCA 2010)).

REVERSED and REMANDED with instructions

LEWIS, WETHERELL, and WOLF, JJ., concur.

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***Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.***

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Robert Calvin Rivers, Law Offices of Robert Calvin Rivers, Jacksonville, for Appellant.

Anadelle Marie Martinez-Mullen, Quigley House, Jacksonville, for Appellee.

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741.30(5)(c), Fla. Stat. (authorizing the extension of a temporary injunction only when the final hearing is continued for good cause shown).