SIXTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 6D2025-0847
Lower Tribunal No. 2025-DR-002015

OLIVER K. BAYOUTH,

Appellant,

v.

LILLIAN REGUERO-BAYOUTH,

Appellee.

Appeal from the Circuit Court for Orange County.
Elaine A. Barbour, Judge.

November 13, 2026

PER CURIAM.

Appellant, Oliver K. Bayouth, appeals a five-year final injunction for protection against domestic violence entered against him. Incidents not included in the petition were raised by the Appellee, Lillian Reguero-Bayouth, and considered by the trial court at the final hearing below despite a timely objection by Appellant. The transcript reveals the lower court relied, in part, upon these unpled incidents in deciding to issue the injunction. This constituted a violation of Appellant's due process rights and reversible error. *See J.G.G. v. M.S.*, 312 So. 3d 509 (Fla. 5th DCA

2020) (reversing an injunction based, in part, on testimony of unpled incidents being admitted over objection in support of issuance of injunction); *De Leon v. Collazo*, 178 So. 3d 906 (Fla. 3d DCA 2015) (same); *Sanchez v. Marin*, 138 So. 3d 1165 (Fla. 3d DCA 2014) (same).

Accordingly, we reverse and remand with instructions to vacate the final injunction, reissue the temporary injunction, and conduct a new final hearing either on the existing petition or any properly amended petition. *See J.G.G.*, 312 So. 3d at 512; *De Leon*, 178 So. 3d at 909.

REVERSED and REMANDED with instructions.

WHITE, SMITH and GANNAM, JJ., concur.

Ashley D. Parker, of Lindsey, Ferry & Parker, P.A., Maitland, for Appellant.

Andrew T. Windle, of The Windle Family Law Firm, P.A., Orlando, for Appellee.

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