

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
FOR THE STATE OF FLORIDA  
CIVIL APPEAL

STATE OF FLORIDA,  
Appellant,

vs.

MOUYID BIN ISLAM,  
Appellee.

Appeal Number: 21-CA-5036

Division: K

County Case Number: 20-TR-41200

Citation No.: AANW47E

\_\_\_\_\_/

On review of a decision of the County Court  
for Hillsborough County, Florida.  
The Hon. Margaret Taylor, County Court Judge

APPELLATE OPINION

This case is before the court on the State's appeal seeking review of the dismissal of a civil traffic citation against Appellee Mouyid bin Islam (defendant below). The civil traffic citation was dismissed on the ground that it was not signed as required by section 316.14(2), Florida Statutes (2019). This Court has appellate jurisdiction. Art. V., S. 5(b), Fla. Const.; §318.16, Fla. Stat.; *State v. bin Islam*, 352 So. 3d 956, 957 (Fla. 2d DCA 2022) ("if the circuit court has jurisdiction over a defendant's appeal [under §318.16], then it follows that the circuit court has jurisdiction over a state's appeal in these matters. Any other construction would lead to counterintuitive results.") The Court has reviewed the record, the parties' briefs, and applicable law. Because refusal to sign and accept a citation requiring a court appearance is a criminal offense, and the record indicates that the contested citation was provided to and received by Appellee in a manner he requested, conveyed all the necessary information for him to answer the charge, and provided the court's location, the citation was a valid charging instrument. Accordingly, the dismissal is reversed, and the cause remanded for further proceedings.

In late 2019,<sup>1</sup> Appellee Mouyid Bin Islam was involved in an accident that resulted in someone's death. Law enforcement deferred issuing a citation until the cause of death of the victim, who died sometime after the crash, was confirmed. Law enforcement attempted to serve the citation in person, but Mr. Islam resisted, citing COVID concerns. Law enforcement offered to present the citation by email if he acknowledged receipt by return email immediately. Although Mr. Islam did not initially respond to the email containing the citation as he had promised law enforcement he would, after being advised that the alternative was an in-person meeting, he acknowledged receipt by return email. The May 27, 2020 citation indicated that Mr. Islam violated section 316.125(1), Florida Statutes, for failing to yield right-of-way, and that the collision resulted in a fatality. It further advised that a hearing would be set within 30 days. On May 29, 2020, the clerk of court sent a notice of hearing. After receiving the notice of hearing, Mr. Islam retained counsel, who filed a notice of appearance and written plea of not guilty on June 18, 2020. On August 31, 2020, Cpl. Graves filed a witness list and copy of the citation with the clerk. Later, defense counsel filed a motion to dismiss the citation, alleging that Mr. Islam was cited for a violation requiring a mandatory hearing, adding that law enforcement had failed to obtain the defendant's signature on the citation as required by section 318.14(2).

The State responded that the citation was not subject to dismissal because 1) law enforcement presented the citation to Mr. Islam via email at Mr. Islam's request, and Mr. Islam noted acceptance and receipt of the citation in his reply email, and 2) that the law enforcement officer's electronic certification that he served Mr. Islam with the citation was prima facie evidence that it was served. The State also argued that because the State of Florida was in a state of emergency due to the pandemic at the time the citation was served, substantial compliance with the statute was sufficient, especially considering the electronic accommodation was made at Mr. Islam's request. Moreover, he did not argue, and the court did not find, that he was prejudiced under the circumstances.

The court granted the motion to dismiss, finding that "[t]here is no indication in any of the Administrative Orders that specifically alters the statutory signature requirement. The county court observed that "there is also a distinct lack of case law regarding substantial compliance with this requirement, as compared to the language in the statute which is written as

---

<sup>1</sup> Speedy trial is not at issue in this appeal; speedy trial was suspended by Administrative Order of the Florida Supreme Court during the COVID pandemic.

strict compliance.” This timely appeal followed. The state raises the same arguments in the appeal as in the matter below. This Court acting in its appellate capacity reviews the trial court’s interpretation of statute under the de novo standard of review. *State v. Sampaio*, 291 So. 3d 120, 123 (Fla. 4th DCA 2020) (where motion to dismiss turns on a question of law, the standard of review is de novo).

Most traffic infractions are handled under section 318.14, Florida Statutes. Although many infractions, including violation of right of way, typically do not mandate a hearing, a hearing is mandatory when a traffic infraction results in a person’s death. §318.19, Fla. Stat. In that instance, section 318.14(2) requires a person so cited to *sign and accept* the citation indicating a promise to appear. It is undisputed that, although Mr. Islam did not physically sign the citation; it was emailed to him, he indicated his receipt of the email, and he appeared for a hearing.

As the county court aptly noted, there is a dearth of case law on this issue. To determine the issue before this Court, it is necessary to discern the purpose of the statute. Given that a court appearance is mandatory, the purpose is to secure cited drivers’ appearance when otherwise minor infractions result in serious consequences; it is not to provide drivers a technicality or escape hatch through which to avoid responsibility. That purported goal is reinforced by section 318.14(3), which provides that the refusal to sign a citation is a second-degree misdemeanor.<sup>2</sup> Compliance with the statute further assures the court that, if cited drivers don’t appear, they were at least made aware of the need to appear. Here, where Mr. Islam objected to receipt of the citation in person, acquiesced to electronic exchange of the citation, indicated receipt of the email to which it was attached, and, thereafter, appeared in court, the purpose of the statute—to notify the cited driver that his appearance at a hearing is required—is satisfied.

Although not cited by either party, this Court finds that *Deel v. State*, 750 So.2d 112 (Fla. 5th DCA 1999), is applicable here. In *Deel*, a driver cited with a *criminal* traffic charge argued that the citation was invalid because it was not signed. *Id.* The court held that the citations for Driving under the Influence and refusing to sign a citation were valid charging instruments, despite that the notice to appear was incomplete and *Deel*

---

<sup>2</sup> The court is not persuaded by Mr. Islam’s argument that his acknowledgment of receipt was not an electronic signature or an acknowledgment that he had received the citation. If the Court accepted that argument, he would then potentially be subjected to a criminal penalty, as opposed to a civil one.

refused to sign the initial citation, where the citations sufficiently described the offenses, indicated the blood alcohol levels, noted the requirement of a court appearance, and listed the precise address of the county court. *Id.* At 113-14. The court concluded that the traffic citations conveyed all the information necessary to answer the charges and constituted a valid charging instrument.

Here, the citation, which Mr. Islam received in a manner he chose, described the offense as violation of right-of-way in violation of section 316.125, Florida Statutes, indicated that serious bodily injury and fatality had occurred, included the date and approximate time of the offense, informed Mr. Islam that a court appearance was mandatory, and provided the address of the court. It added that a hearing would be scheduled within 30 days. Two days later, a notice of hearing notifying him of the date and time of the hearing were sent to Mr. Islam, and he appeared. As in *Deel*, which applied this rationale in a criminal context, as opposed to a civil one, the citation here conveyed all the information necessary to answer the charge and is a valid charging instrument. The submission to Mr. Islam's email at his request does not provide a basis to avoid responsibility, where the form of notice was his choice, and refusal to sign would be a criminal offense.

In light of the foregoing, it is unnecessary to discuss the remaining issue.

It is therefore ORDERED that the decision of the county court is REVERSED, and the cause is REMANDED for proceedings consistent with this opinion on the date imprinted with the Judge's signature.

Electronically Conformed 5/15/2023  
By: Caroline Tesche Arkin  
\_\_\_\_\_  
Caroline Tesche Arkin, Circuit Judge

Electronic copies provided through JAWS