

IN THE THIRTEENTH JUDICIAL CIRCUIT FOR THE STATE OF FLORIDA  
CIRCUIT CIVIL DIVISION

AIDEN GRIFFITH,  
Petitioner,

v.

CASE NO.: 24-CA-001962

DIVISION: E

STATE OF FLORIDA,  
DEPARTMENT OF HIGHWAY  
SAFETY AND MOTOR VEHICLES,  
Respondent.

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ORDER DENYING PETITION FOR WRIT OF CERTIORARI

THIS MATTER is before the court on Petitioner Aiden Walker Griffith's Petition for Writ of Certiorari filed March 6, 2024. The petition is timely and this court has jurisdiction. § 322.31, Fla. Stat. Petitioner contends that the Respondent, Florida Department of Highway Safety and Motor Vehicles, failed to observe the essential requirements of law and violated his right to due process because the affidavits in the record were not properly sworn, meaning the minimum requirements for the Department's jurisdiction were not met. After reviewing the petition, appendix, response, relevant statutes, and case law, the court finds the Department had jurisdiction under Florida Statute § 322.2615 and the petition must therefore be denied.

On January 25, 2024, the Department conducted a formal hearing to review the administrative suspension of Petitioner's driver license resulting from a DUI arrest. The Florida Highway Patrol (FHP) sent the DUI packet detailing Petitioner's arrest to the Department prior to the hearing. One of the documents in the packet, the FHP Incident Report, was not properly sworn. Three other documents in the DUI packet had facially valid affidavits. The officer whose signature was absent from the Incident Report affidavit appeared at the formal hearing. The officer testified under oath that, while the affidavit was defective, the contents of the report were accurate. He further testified that the Arrest Report contained in the DUI packet had been properly sworn and signed. In the final order upholding Petitioner's suspension, the hearing officer found that the officer "swore to and

affirmed that all the statements in the documents were true and correct, thus curing any deficiencies.”

Petitioner argues the Department violated Petitioner’s right to due process because § 322.2615 “contains a minimum requirement of affidavits in the DUI packet for the officer’s grounds of belief that a driver was operating a motor vehicle under the influence of alcohol,” and those requirements had not been met when the Department held the formal hearing. Petitioner cites *State v. Johnston*, 553 So. 2d 730, 733 (Fla. 2d DCA 1989), in support of his argument, stating “due process required the Department to first receive a properly sworn statement to have its jurisdiction vested.” The court in *Johnston*, however, was analyzing a version of the statute that was no longer in effect when the Department reviewed Petitioner’s license suspension.

The current version of § 322.2615(2)(a) states:

Except as provided in paragraph (1)(a), the law enforcement officer shall forward to the department, within 5 days after issuing the notice of suspension, the driver license; an affidavit stating the officer's grounds for belief that the person was driving or in actual physical control of a motor vehicle while under the influence of alcoholic beverages or chemical or controlled substances; the results of any breath or blood test or an affidavit stating that a breath, blood, or urine test was requested by a law enforcement officer or correctional officer and that the person refused to submit; the officer's description of the person's field sobriety test, if any; and the notice of suspension. The failure of the officer to submit materials within the 5-day period specified in this subsection and in subsection (1) does not affect the department's ability to consider any evidence submitted at or prior to the hearing.

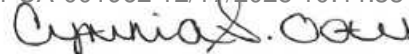
Petitioner admits that three of the documents considered at the hearing were facially valid but argues that the officer’s testimony regarding general practices renders them invalid. The officer, however, specifically testified that the facially valid Arrest Report contained in the DUI packet had been properly sworn and signed.

Section 322.2615(2)(a) requires law enforcement to submit affidavits outlining the underlying facts of a driver's arrest prior to the driver's suspension review hearing. It does not specify how many documents are necessary nor does it require an Incident Report to be submitted. Section 322.2615(2)(a) also states that the failure to submit materials within the prescribed time period "does not affect the department's ability to consider any evidence submitted at or prior to the hearing." This court may not reweigh evidence in this case, and there is nothing in the record to suggest that the officer's testimony at the hearing was not competent evidence. FHP submitted three facially valid affidavits prior to the hearing and the attesting officer testified that those affidavits had been executed properly. The requirements of § 322.2615 were thus met and the Department had jurisdiction to review Petitioner's license suspension.

The Petition is therefore DENIED.

ORDERED in Tampa, Hillsborough County, Florida, on the date imprinted with the Judge's signature.

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24-CA-001962 12/17/2025 10:44:33 AM  
Judge Cynthia Oster

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**CYNTHIA S. OSTER**, Circuit Court Judge

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