

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

NDIDI OSUJI,
Petitioner,

CASE NO.: 23-CA-14964

v.

DIVISION: D

FLORIDA DEPARTMENT OF HIGHWAY
SAFETY AND MOTOR VEHICLES,
Respondent.

ORDER DENYING AMENDED PETITION FOR WRIT OF CERTIORARI

THIS MATTER is before the Court on Amended Petition for Writ of Certiorari (Doc. 8) filed January 8, 2024. The original petition was timely, and this Court has jurisdiction. §§322.31; 322.2615(13), Fla. Stat. The Court has reviewed the amended petition, appendix, and applicable law. Because Petitioner conflates the status of a judgment *lien* with the validity of the judgment itself as a basis for the license suspension, the petition is denied without need for a response.

Petitioner's driving privilege was suspended because he stopped installment payments on a final judgment in violation of section 324.141, Florida Statutes.¹ He requested and received a formal review hearing under section 322.2615, Florida Statutes. The hearing was held August 2, 2023. At the hearing Petitioner argued that the suspension was invalid because the court judgment, which had been recorded in the public records in 2006 but not re-recorded in 2016, had lapsed and would not support upholding his license suspension. In support of that argument Petitioner cited section 55.10, Florida Statutes.

¹The Order incorrectly cited section 322.27, Florida Statutes, as authority for the suspension of driving privileges on financial responsibility grounds.

Petitioner appears to be under the impression that the judgment creditor's failure to re-record the deed somehow invalidated the judgment or that the ability to collect on it has expired. He is mistaken. Section 55.10(1) provides that a judgment becomes a *lien* on property when a certified copy is recorded in the official records of the county if certain other criteria are met. Such lien is good for 10 years, and it may be extended another 10 years if it is re-recorded before the expiration of lien. §55.10(2), Fla. Stat. Petitioner contends an extension was not sought by the judgment creditor; therefore, his license should be reinstated.

The fact that a judgment is no longer a lien on property does not affect its validity, however. Not all judgments become liens on property, and a judgment creditor may collect on a judgment that is not a lien. Judgments of Florida courts remain actionable for 20 years. §95.11(1), Fla. Stat. If, as Petitioner contends, the judgment is a 2006 judgment, the creditor's ability to collect it has not expired. It is therefore

ORDERED that the petition is DENIED without need for a response in Tampa, Hillsborough County, Florida, on the date imprinted with the Judge's signature.

Electronically Conformed 1/9/2024
Emily A. Peacock

EMILY PEACOCK, Circuit Court Judge

Copies to:

Ndidi Osuji: 2780 E. Fowler Ave. #147, Tampa, FL 33612

Bethany Connelly: c/o 2814 E. Hillsborough Ave., Tampa, FL 33610

Additional copy provided through JAWS