

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR THE STATE OF FLORIDA
GENERAL CIVIL DIVISION

MATTHEW FRANCIS BROWN,
Petitioner,

CASE NO.: 23-CA-15642

vs.

DIVISION: C

FLORIDA DEPARTMENT OF HIGHWAY
SAFETY AND MOTOR VEHICLES,
Respondent.

ORDER DENYING PETITION FOR WRIT OF CERTIORARI

THIS MATTER is before the Court on Amended Petition for Writ of Certiorari filed January 2, 2024 (Doc. 11). The petition is timely. Rule 9.100(c)(2), Fla. R. App. P.; Rule 9.030(c)(3), Fla. R. App. P.; §322.31, Fla. Stat. Petitioner argues that the Department departed from the essential requirements of the law by upholding the revocation of his driving privileges and the requirement that he have an ignition interlock device installed in his vehicle because of a DUI offense committed out of state which was Petitioner's second DUI conviction. Having reviewed the Petition, Amended Petition, Response, transcript, appendix, and being otherwise fully informed, the Court finds as follows:

A decision by the Department to uphold or invalidate a suspension may be reviewed by a petition for writ of certiorari to the circuit court in the county in which formal or informal review was conducted. §§ 322.31; 322.2615(13), Fla. Stat. This Court, therefore, has jurisdiction to review the Department's decision in this case. This review is not de novo. § 322.2615(13), Fla. Stat. Rather, the Court "must determine whether procedural due process is accorded, whether the essential requirements of the law have been observed, and whether the administrative findings and judgment are supported by competent substantial evidence." *City of Deerfield Beach v. Vaillant*, 419 So. 2d 624, 626 (Fla. 1982). The Court may not reweigh evidence. *Dep't of Highway Safety & Motor Vehicles v. Rose*, 105 So. 3d 22, 24 (Fla. 2d DCA 2012).

On June 26, 2017, Petitioner was convicted of DUI in Massachusetts and his Massachusetts driving privileges were revoked for one year. At that time, Petitioner had a Florida ID card. On October 10, 2017, Petitioner applied for and received a Florida driver license. In May 2023, Petitioner was notified that his license was revoked for one year, effective June 26, 2017. Petitioner was notified that he would need to install an ignition interlock device in his vehicle because the 2017 DUI conviction in Massachusetts was his second offense.

Florida Statutes § 322.24 authorizes license revocation based on out-of-state convictions for DUI. Section 322.24 states that “[t]he department is authorized to suspend or revoke the license of any resident of the state, upon receiving notice of the conviction of such person in another state or foreign country of an offense therein which, if committed in this state, would be grounds for the suspension or revocation of his or her license.” Where a DUI conviction occurs in another state, Florida may impose sanctions for the out-of-state conviction on the Florida licensee. § 322.2715(2), Fla. Stat. Florida law requires the Department to impose the ignition interlock requirement when reinstating a driver license following a revocation for a second DUI conviction. § 322.2725(3), Fla. Stat. (“if a person is convicted of: . . . [a] second offense of driving under the influence, the ignition interlock device shall be installed for a period of at least 1 continuous year”).

Petitioner argues that the Department departed from the essential requirements of the law by revoking his license without competent, substantial evidence. Petitioner asserts that he was subjected to a second license revocation for the same conviction six years after his license was revoked in Massachusetts, upon becoming a Florida resident. However, based on the record, Petitioner obtained a Florida ID card four days after his DUI arrest in Massachusetts and approximately one month prior to his conviction. In obtaining a Florida ID card, Petitioner must have shown proof of Florida residency. Five months later, in October 2017, while Petitioner’s Massachusetts license revocation was still in effect, Petitioner applied for and received a Florida driver license. Petitioner was able to do so because his Florida driving record was not updated to reflect the Massachusetts conviction until approximately two years later, in August 2019.

It is therefore ORDERED that the Petition for Writ of Certiorari is DENIED.

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

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MELISSA M. POLO, Circuit Court Judge

Copies to:

Petitioner

Respondent