

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

GEOFFREY JEAN LOUIS,  
Appellant,

APPELLATE DIVISION (CIVIL): AY  
CASE NO: 2015-AP-000057-CAXXMB  
L.T. NO: 2015-TR-045380-AXXXMB

v.

PALM BEACH  
SHERIFF'S OFFICE,  
Appellee.

Opinion filed: MAY - 4 - 2016

Appeal from the County Court in and for Palm Beach County,  
Judge Frank Castor

For Appellant: Jeffrey S. Grossman, Esq., 1925 NW 9th Ave., Fort Lauderdale, FL 33311  
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For Appellee: Lisa Rubin, Esq. 3288 Gun Club Road, West Palm Beach, FL 33406  
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PER CURIAM.

Appellant, Geoffrey Jean Louis ("Louis"), was cited with speeding in violation of section 316.187(1), Florida Statutes (2014). Because he exceeded the posted speed limit by more than thirty (30) miles per hour ("mph"), Louis was required to attend a mandatory hearing before a judge pursuant to section 318.19(5), Florida Statutes (2014). At the hearing, Louis was

adjudicated guilty of violating section 316.187(1), and as part of his sentence, the trial court suspended his driver license for a period of sixty (60) days. Following the adjudication, Louis timely filed a Motion to Correct Illegal Penalty pursuant to Florida Rule of Traffic Court 6.490(a), arguing that the license suspension was an illegal sentence under Chapters 316 and 318. Louis' motion was denied by the trial court and is the subject of the instant appeal. We agree with Louis that the suspension is illegal and reverse and remand for that portion of the sentence to be vacated.

In traffic cases that require mandatory hearings, the available penalties are provided for in Florida Statute section 318.14(5). That section provides that if the official determines that an infraction has occurred, "the official may impose a civil penalty not to exceed \$500 . . . or require attendance at a driver improvement school, or both." § 318.14(5), Fla. Stat (2014). This section does not include a driver license suspension in the list of sanctions that the official may generally impose. Rather, it provides that an individual's driver license *shall* be suspended in limited circumstances, where the driver violates either section 319.19(1) or 318.19(2), Florida Statutes. *See* § 318.14(5), Fla. Stat. Because Louis did not violate either section 318.19(1) or section 318.19(2), section 318.14(5) does not, in the instant matter, mandate Louis' driver license to be suspended.

In addition to the penalties in Chapter 318, section 316.655(2) states that where a driver is convicted of violating a section of Chapter 316 and the violation "*resulted in an accident*, [the driver] may have his or her driving privileges revoked or suspended by the court if the courts finds such revocation or suspension warrant by the totality of the circumstances." § 316.655(2), Fla. Stat. (emphasis added). This portion of section 316.655 was amended by the Legislature, effective January 1, 2013, to include the language "which resulted in an accident." Ch. 2012-

181, § 15 at 16, Laws of Fla.<sup>1</sup> Louis' citation expressly provides that no accident occurred, and furthermore, there is no evidence in the record of an accident occurring. Accordingly, section 316.655(2) does not authorize a driver license suspension in the instant matter.

It is clear that neither Chapter 316 nor Chapter 318 require or expressly authorize the suspension of a driver license for a violation of section 316.187(1). Applying the principles of statutory construction, we further find that the trial court was not afforded the discretionary authority to suspend Louis' driver license for his violation of section 316.187(1).

A general principal of statutory construction is *expressio unius est exclusion alterius*: the mention of one thing implies the exclusion of another. *Thayer*, 355 So. 2d at 817; *State v Roland*, 577 So. 2d 680, 681 (Fla. 4th DCA 1991). Here, the Legislature expressly enumerated two permissive penalties—a fine and attendance at a driver improvement school—yet did not enumerate a license suspension. Moreover, the Legislature specifically discussed driver license suspensions in the following sentence in the same subsection. By mentioning license suspensions in one portion of section 318.14(5), and not mentioning them in another portion of the same statute, the Legislature expressed a clear intent to exclude suspension or revocation of a driver license in the list of permissive penalties.

Courts, in addition to adhering to the clear intent of the Legislature, are also required to

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<sup>1</sup> Before 2013, section 316.655(2) provided: "Drivers convicted of a violation of any offense prohibited by this chapter or any other law of this state regulating motor vehicles may have their driving privileges revoked or suspended by the court if the court finds such revocation or suspension warranted by the totality of the circumstances resulting in the conviction and the need to provide for the maximum safety for all persons who travel on or who are otherwise affected by the use of the highways of the state. In determining whether suspension or revocation is appropriate, the court shall consider all pertinent factors, including, but not limited to, such factors as the extent and nature of the driver's violation of this chapter, the number of persons killed or injured as the result of the driver's violation of this chapter, and the extent of any property damage resulting from the driver's violation of this chapter."

interpret statutes to avoid rendering them meaningless. *State v. Goode*, 830 So. 2d 817, 824 (Fla. 2002) (“[A] basic rule of statutory construction provides that the Legislature does not intend to enact useless provisions, and courts should avoid readings that would render part of a statute meaningless.”) By amending section 316.655 in 2012, the Legislature removed the broad discretion of the lower court to suspend a driver license and expressed clear intent to limit that discretion to only those cases in which an accident occurred. Ch. 2012-181, § 15 at 16, Laws of Fla. If trial courts possessed the inherent discretion to order a license suspension regardless of whether an accident occurred, then the Legislature’s amendment to section 316.655 would have no legal effect. We decline such interpretation.

We **REVERSE** the lower court’s denial of Louis’ Motion to Correct Illegal Sentence and **REMAND** this case with specific instructions to grant the motion and vacate the license suspension from his sentence.

OFTEDAL, SASSER, and CARACUZZO, JJ. concur.