

APPENDIX A

SC2023-0528

Mr. Jason Turem **07109**

Florida State Prison

P.O. Box 800

Raiford FL 32083

Supreme Court of Florida

THURSDAY, APRIL 13, 2023

Mr. Jason Turem,
Petitioner(s)

v.

Florida Department of
Highway Safety and Motor
Vehicles,
Respondent(s)

SC2023-0528

Lower Tribunal No(s):
1D22-1195;

372021CA001987XXXXXX

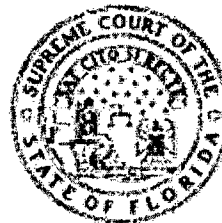
This case is hereby dismissed. This Court's jurisdiction to issue extraordinary writs may not be used to seek review of an unelaborated decision from a district court of appeal that is issued without opinion or explanation or that merely cites to an authority that is not a case pending review in, or reversed or quashed by, this Court. *See Foley v. State*, 969 So. 2d 283 (Fla. 2007); *Persaud v. State*, 838 So. 2d 529 (Fla. 2003); *Stallworth v. Moore*, 827 So. 2d 974 (Fla. 2002); *Grate v. State*, 750 So. 2d 625 (Fla. 1999).

No motion for rehearing or reinstatement will be entertained by the Court.

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Test:

SC2023-0528 4/13/2023

John A. Tomasino
Clerk, Supreme Court
SC2023-0528 4/13/2023



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Served:

HON. JOHN C. COOPER
FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR
VEHICLES

ELANA J. JONES

HON. GWEN MARSHALL

HON. KRISTINA SAMUELS

MR. JASON TUREM

APPENDIX B

1D2022-1195

Jason C. Turem

#C07109

Florida State Prison

P.O. Box 800

Raiford FL 32083

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D22-1195

JASON C. TUREM,

Appellant,

v.

FLORIDA DEP'T OF HIGHWAY
SAFETY AND MOTOR VEHICLES, et
al.,

Appellees.

On appeal from the Circuit Court for Leon County.
John C. Cooper, Judge.

March 16, 2023

PER CURIAM.

AFFIRMED.

LEWIS, BILBREY, and KELSEY, JJ., concur.

*Not final until disposition of any timely and
authorized motion under Fla. R. App. P. 9.330 or
9.331.*

Jason C. Turem, pro se, Appellant.

Christie S. Utt, General Counsel, and Elana J. Jones, Assistant General Counsel, of Department of Highway Safety & Motor Vehicles, Tallahassee, for Appellee Department of Highway Safety & Motor Vehicles.

M A N D A T E

from

FIRST DISTRICT COURT OF APPEAL

STATE OF FLORIDA

This case having been brought to the Court, and after due consideration the Court having issued its opinion;

YOU ARE HEREBY COMMANDED that further proceedings, if required, be had in accordance with the opinion of this Court, and with the rules of procedure, and laws of the State of Florida.

WITNESS the Honorable Chief Judge Lori S. Rowe, Chief Judge, of the District Court of Appeal of Florida, First District, and the seal of said Court at Tallahassee, Florida, on this day.

April 13, 2023

Jason C. Turem,
Appellant(s)

v.

Florida Dep't of Highway Safety and Motor Vehicles, et al.,
Appellee(s).

DCA Case No. - 1D22-1195

L.T. No.: 2021-CA-1987

TH

Mandate and opinion to follow to: Hon. Gwen Marshall

cc: (without opinion):

Hon. John C. Cooper

Elana J. Jones

Hon. Gwen Marshall

Hon. Ashley Moody

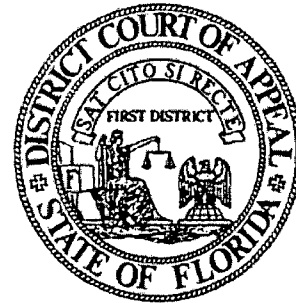
Jonathan Sanford, G.C.

Case No. - 1D22-1195

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Jason C. Turem

~~1D2022-1195~~ April 13, 2023
Kristina Samuels, Clerk
1D2022-1195 April 13, 2023



APPENDIX C

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA**

JASON C. TUREM, DC# C07109,

Petitioner,

Case No.: 2021-CA-1987

v.

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

Respondent.

ORDER DENYING PETITION

THIS CAUSE came before the Court on Petitioner's "Petition Invoking All Writs Jurisdiction," deemed filed November 8, 2021. The Court, having reviewed the Petition, the Response filed by the Respondent, the Reply filed by the Petitioner, the file, and being otherwise fully advised in the premises, finds as follows:

While Petitioner failed to specify through which writ he seeks relief, it appears that he seeks to have this Court compel the Department to grant him a hearing to determine his eligibility for a restricted driving privilege, commonly known as a hardship license, due to his driving privilege being currently suspended. (See generally Pet.). Therefore, the instant petition shall be treated as a petition for writ of mandamus. See Soto v. Bd. of Cnty. Comm'rs of Hernando Cnty., 716 So. 2d 863, 864 (Fla. 5th DCA 1998) ("A writ of mandamus is a command from a court directed to another such as an inferior court, public officer or governmental entity,

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requiring the party to whom it is directed to perform an act that the party has a legal duty to perform because of its official position.”).

Petitioner asserts that he is entitled to a hardship hearing pursuant to section 322.271, Florida Statutes, for which he applied on October 11, 2021. (Pet’r’s Ex. A). The Department informed Petitioner that was not entitled to a hearing under section 322.271, due to his license being suspended pursuant to section 322.245(5)(a), Florida Statutes, for failure to pay court costs. (Pet’r’s Ex. B). Given that section 322.245(5)(b), Florida Statutes, mandates the terms under which a license can be reinstated for a failure to pay court fees, the Department argues that the more general provisions of section 322.271 are not applicable to Petitioner.

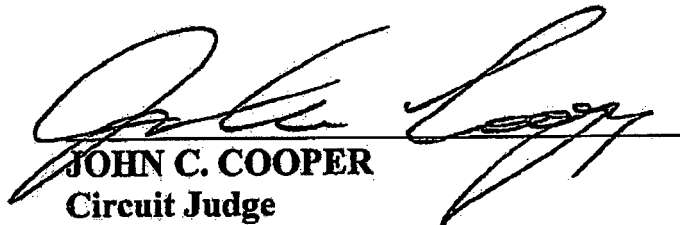
Having considered the pleadings, the Court finds that there is no basis to award Petitioner relief in this matter. Petitioner’s license was suspended for numerous instances of failure to pay court costs pursuant to section 322.245(5)(a), Florida Statutes. This section further gives the requirements which must be met prior to reinstatement of a driving privilege pursuant to section 322.245(b), Florida Statutes. While section 322.271, Florida Statutes, details the process for potential reinstatement of a driving privilege on a restricted basis for drivers whose licenses have been suspended, canceled, or revoked, the provisions of this section do not address the scenario of reinstatement after suspension for failure to pay court fees. Due to the specific requirements for suspension and reinstatement in section

322.245(5)(a) and (b), Petitioner is not entitled to a hardship hearing pursuant to section 322.271. See McKendry v. State, 641 So. 2d 45, 46 (Fla. 1994) (“[A] specific statute covering a particular subject area always controls over a statute covering the same and other subjects in more general terms.”).

BASED ON THE FOREGOING, it is

ORDERED AND ADJUDGED that the Petition is hereby **DENIED**. The Clerk is directed to **CLOSE** this file.

DONE AND ORDERED in Chambers, Tallahassee, Leon County, Florida on this 7th day of April 2022.


JOHN C. COOPER
Circuit Judge

Copies furnished to:

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**Additional material
from this filing is
available in the
Clerk's Office.**