

STATE OF FLORIDA
Department of Highway Safety and Motor Vehicles

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1. GENERAL INFORMATION

1. Pursuant to s. 832.09 F.S. - Suspension of driver license after warrant or capias is issued in worthless check case.
 - (1) Any person who is being prosecuted for passing a worthless check in violation of s. 832.05, who fails to appear before the court and against whom a warrant or capias for failure to appear is issued by the court shall have his or her driver's license suspended or revoked pursuant to s. 322.251.
 - (2) Within 5 working days after the issuance of a warrant or capias for failure to appear, the clerk of the court in the county where the warrant or capias is issued shall notify the Department of Highway Safety and Motor Vehicles by the most efficient method available of the action of the court.
2. Notice to Suspend Driving Privilege in Worthless Check Cases (**EXAMPLE 1**)
 - a. Completion of form
 1. Driver License number must be 13 characters
 2. Issuing state must always be Florida. Field not required
 3. Name of person who failed to appear and to whom warrant or capias was issued
 4. Violator's address
 5. Date of birth
 6. Sex "M" or "F"
 7. Race if available, not required
 8. Social security number if available
 9. Warrant or capias number
 10. SPN number if available
 11. Case number is required
 - (a) Only one case number should be used per suspension form.
 - (b) Many case numbers may be tied to the same warrant.
Court can request a suspension for each case number. If only one suspension requested, only use the first case number.
 12. Date warrant or capias issued
 13. County where warrant or capias issued
 14. Signature of person submitting report
 15. Date mailed to D.H.S.M.V.

NOTE: Verification by D.H.S.M.V. may be needed with F.D.L.E. as required by law to identify the violator.

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- b. Suspension Notice will request the violator to surrender to the Sheriff's Office which entered the warrant.
- c. Worthless Check Clearance – In order to reinstate, the warrant or capias must be cancelled; defendant must make full restitution and apply at a driver license office for reinstatement. A fee of \$10.00 plus a \$35.00 reinstatement fee is required per suspension. If cleared prior to effective date no reinstatement fee shall be applied. If nol proessed , dismissed or issued in error check appropriate box, annotate date cancelled and no reinstatement fees shall be assessed. If issued in error fax form to Bureau of Driver Improvement. See Clearance form (**EXAMPLE 2**).
- d. Worthless Check – Hardship License Request (**EXAMPLE 3**)

Hearing officers are authorized to issue a hardship license to those customers who are attempting to make restitution or who have set a court date concerning the worthless check charge. The hearing officer may authorize a "C" (business purposes) or "D" (employment purposes) restriction to be placed on the driver's record. The restriction is considered permanent until cleared by full reinstatement. The customer must obtain a Worthless Check – Hardship Reinstatement form (HSMV 78015) to be completed by the State Attorney or Clerk of the Court in the issuing county. This form will also incorporate the required "no pending case letter" (used to determine if the customer has received any citations within the past 30-days) and the Request for Hardship License form. Forms will be available from the clerk of the court's office. Bureau of Administrative Review Offices, driver license offices, or via the Internet at www.hsmv.state.fl.us. The Bureau of Administrative Review and the Bureau of Records will provide training for the appropriate authorities on completion of the forms.

Once the customer has obtained a properly completed Worthless Check – Hardship Reinstatement form, they may fax or mail the form to any Bureau of Administrative Review office. The customer will indicate on the Worthless Check – Hardship Reinstatement form, a telephone number where they can be reached during the Bureau of Administrative Review's office hours. The Bureau of Administrative Review will contact the customer no later than 10 working days from receipt of the form for a brief telephone hearing. If a telephone hearing is not possible, the hearing officer will instruct the customer to which Bureau of Administrative Review office they should report to. The hearing officer will advise the customer that a reinstatement fee of up to \$45.00 will be charged for each Worthless Check suspension, plus any other applicable license charges.

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Once the hearing is completed, the hearing officer will add the appropriate codes to the driver's record. When the customer arrives to reinstate, the driver license examiner will check the correspondence page, eliminating the need for the hearing to issue an Authority for Reinstatement form (HSMV 78300). Office supervisors should e-mail their regional OMC daily totals of all Worthless Check – Hardship License Request forms received.

EXAMPLE 1 (Reduced Copy)

NOTICE TO SUSPEND DRIVING PRIVILEGE IN WORTHLESS CHECK CASES

DRIVER LICENSE # _____ ISSUING STATE: _____

NAME: _____

First

Middle

Last

ADDRESS: _____

DATE OF BIRTH: _____ SEX: _____ RACE: _____

SOCIAL SECURITY NUMBER: _____

WARRANT OR CAPIAS NUMBER: _____

SPN NUMBER: _____ CASE NUMBER: _____

DATE WARRANT OR CAPIAS ISSUED: _____

COUNTY WHERE WARRANT OR CAPIAS ISSUED: _____

SIGNATURE OF PERSON SUBMITTING REPORT: _____

DATE MAILED TO DHSMV: _____

NOTE: Supply as much of this information as you can. We are required to do verification with FDLE to determine correct identification.

Mail To:

Department of Highway Safety and Motor Vehicles
Neil Kirkman Building
Room B231 – MS 91
Tallahassee, Florida 32399-0575

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EXAMPLE 3 (Reduced Copy)

WORTHLESS CHECK – HARDSHIP LICENSE REQUEST

NAME: _____ SS# _____

FLORIDA DL# _____ TELEPHONE # _____

(Where you can be reached between 8:00 a.m. and 5:00 p.m.)

MAILING ADDRESS _____

I REQUEST AN ADMINISTRATIVE HEARING TO BE CONSIDERED FOR REINSTATEMENT OF MY DRIVING PRIVILEGE.

(Signature) (Date)

To Be Completed By Clerk Of Court or State Attorney

DEFENDANT'S NAME _____

SS# _____ WARRANT/CASE # _____

Defendant has agreed to make restitution pursuant to the terms and conditions set forth by the court.

Defendant has established a court date for this case. Court date: _____

AUTHORIZED BY _____
(Signature) (Print or type name)

AUTHORIZING AGENCY: CLERK OF COURT STATE ATTORNEY

COUNTY _____

Affix Court Seal

TO BE COMPLETED BY THE CLERK OF THE COURT IN THE DEFENDANT'S RESIDENT COUNTY

THE ABOVE NAMED INDIVIDUAL

Has no traffic cases pending in this county for the past 30 days.

Has the following cases pending: _____

COUNTY: _____

AUTHORIZED _____
(Signature) (Date)

Affix Court Seal

NOTE TO CUSTOMER: Please mail or fax this completed form to the division of Driver License, Bureau of Administrative Reviews. You will be contacted for a brief telephonic hearing.

HSMV 78015 (R09/01)