

16 Fla. L. Weekly Supp. 833a

Online Reference: FLWSUPP 169HAIRS

Licensing -- Driver's license -- Suspension -- Nonpayment of child support -- Driver's license suspension imposed for nonpayment of child support is vacated where final judgment of paternity has been vacated due to failure to perfect service of process on putative father

STATE OF FLORIDA, DEPARTMENT OF REVENUE, and MAMIE HAIRSTON, and/or TIJUNA HAIRSTON, Petitioners, vs. RICARDO LAMAR THOMAS, Respondent. Circuit Court, 4th Judicial Circuit in and for Duval County. Case No. 16-2004-DR-010071-FMXX, Division FM-C. December 19, 2008. Jean M. Johnson, Judge. Counsel: Paul Dick, Jacksonville, for Petitioner State of Florida, Department of Revenue. Christopher T. Wilson, Harris Guidi Rosner Dunlap Rudolph, P.A., Jacksonville, for Respondent.

ORDER REINSTATING RESPONDENT'S DRIVERS LICENSE

This cause came before the General Magistrate upon the Respondent's Motion to Reinstate Drivers License on December 3, 2008. The Respondent and his attorney appeared and the attorney for the Department of Revenue appeared. Both parties consented to the entry of the Motion. Therefore, this Court makes the following findings:

- a. Contemporaneously with this Motion, the Respondent brought before this Court a Motion for Relief from Judgment under Florida Rule of Civil Procedure 1.540 asserting that the Final judgment of Paternity previously entered in December 2004, which imposed the child support obligation against the Respondent, is void as having been entered without proper service of process and notice to the Respondent. This Court agrees. Since service of process was never perfected on the Respondent, the Final Judgment of Paternity is void ab initio.
- b. The Respondent's child support obligation has been terminated, he owes no further duty of child support, and has no child support arrearages [16 Fla. L. Weekly Supp. 833b].
- c. Any drivers license suspension caused by non-payment of child support should be set aside and vacated.

Therefore, it is

ORDERED AND ADJUDGED:

The Department of Highway Safety and Motor Vehicles shall set aside and vacate any and all drivers license suspensions or revocations caused by the Respondent's non-payment of child support.

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