

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

CASE NO: 16-2021-AP-9

DIVISION: AP-A

THOMAS ARTHUR BOWLER,
Petitioner,

v.

DEPARTMENT OF HIGHWAY
SAFETY AND MOTOR VEHICLES,
Respondent.

Petition for Writ of Certiorari from the decision of the State of Florida Department of Highway
Safety and Motor Vehicles

March 10, 2022

PER CURIAM

Petitioner seeks certiorari review of the Department's decision to uphold the suspension of his driver's license. On certiorari review of an administrative action, this Court's standard of review is "limited to a determination of whether procedural due process was accorded, whether the essential requirements of the law had been observed, and whether the administrative order was supported by competent, substantial evidence." Dep't of Highway Safety and Motor Vehicles v. Luttrell, 983 So. 2d 1215, 1217 (Fla. 5th DCA 2008); see also Dep't of Highway Safety and Motor Vehicles v. Trimble, 821 So. 2d 1084, 1085 (Fla. 1st DCA 2002).

On March 12, 2021, Officer Doughfman of the Jacksonville Sheriff's Office observed Petitioner: (1) driving 38 miles per hour in a posted forty-five mile per hour zone; (2) drifting from right to left within the lane; and (3) drifting into the center lane of travel. Officer Doughfman conducted a traffic stop, and Petitioner was driving the vehicle.

Petitioner's sole argument for relief is that the arresting officer had no basis for the stop that led to the DUI investigation. His argument is without merit. See Bailey v. State, 319 So. 22, 26 (Fla. 1975) ("Because of the dangers inherent to our modern vehicular model of life, there may be justification for the stopping of a vehicle by a patrolman to determine the reason for its unusual operation."). Because the hearing officer's findings were supported by competent and substantial evidence, the hearing officer did not depart from the essential requirements of the law by finding that police had reasonable suspicion to conduct an investigatory stop. See generally Lacaretta Restaurant v. Zapeda, 115 So. 3d 1091, 1093 (Fla. 1st DCA 2013) ("Departure from the essential requirements of law' is defined the same way across all uses of certiorari review: 'a violation of a clearly established principle of law resulting in a miscarriage of justice.'" (citation omitted)). Accordingly, the "Petition for Writ of Certiorari" is **DENIED**.

NORTON, WALLACE, AND WILKINSON, JJ., concur.

Alex King., counsel for Petitioner

Mark L. Mason, Esq., counsel for Respondent.