

MANDATE

from
Circuit Court of Duval County, Florida

To: Department of Highway Safety and Motor Vehicles

Case No: 16-2022-AP-000020-XXXX-MA

Division: AP-A

On appeal to the Circuit Court of Duval County, Florida, from the judgment of your Court rendered on August 9, 2022 in the action that in your court is captioned:

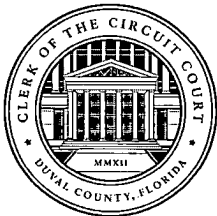
Final Order of Cancellation and Final Order of Revocation

Thomas Jasper Beverly v. Northeast Florida Safety Council and Department of Highway Safety And Motor Vehicles

In the Circuit Court of Duval County, Florida, rendered its opinion and judgment, a copy of which is attached and made part hereof on the date recited therein.

You are hereby directed that if any further proceedings in that action in your Court are required by the judgment of the Circuit Court of Duval County, Florida, such requirements be carried out, and that any further proceedings in that action in your court be in accordance with that judgment.

WITNESS the Honorable Cooper, Daniel, and Dees, Judge of the Circuit Court of Duval County, Florida, at Jacksonville, Florida this the 30th day of October, 20 24



JODY PHILLIPS
CLERK OF THE CIRCUIT COURT

By: [Signature]
Deputy Clerk

FILED
OCT 30 2024

DUVAL CLERK OF COURT

CC: Britney Sanford-Soles
Linsey Sims-Bohnenstiehl

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

CASE NO: 16-2022-AP-20

DIVISION: AP-A

THOMAS BEVERLY,
Petitioner,

v.

NORTHEAST FLORIDA SAFETY COUNCIL
AND DEPARTMENT OF HIGHWAY AND
MOTOR VEHICLES,
Respondents.

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

October 15, 2024

PER CURIAM

Petitioner seeks certiorari review of the Department's decision to revoke his DUI program license after concurring recommendations of termination. 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).

Appeals from Special Supervision Services are governed by Florida Administrative Code Rule 15A-10.031. When one DUI program recommends cancellation, a participant can appeal the recommendation to another DUI program. *Id.* at (2). Here, Petitioner challenged the Northeast Florida Safety Council’s recommendation, and the North Florida Safety Council received his appeal. Pursuant to Rule 15A-10.031(2)(b), Petitioner received a face-to-face meeting with the North Florida Safety Council. After this meeting, the North Florida Safety Council agreed with the original recommendation.

Petitioner argues he was deprived of procedural due process because a witness was not allowed to testify on his behalf at the face-to-face meeting. His argument fails because this was not the termination of a license governed by section 322.2615, Florida Statutes (2022). When a driver’s license is suspended because a driver either failed or refused to take a blood-alcohol or breath-alcohol test, the driver is entitled to a full administrative hearing to contest the suspension. *Id.* at (6)(b). However, these protections are not afforded to individuals who have already lost their full driving privileges and are now operating a motor vehicle on a restricted license. As previously stated, a cancellation of a restricted license is governed by Florida’s Rules of Administrative Procedure, and Rule 15A-10.031(2)(b) only requires a “face to face” meeting. Based on the record currently before this Court, the DUI programs complied with the relevant administrative rules. Absent documentary evidence (such as transcripts), there is nothing in the record suggesting that Petitioner was not afforded procedural due process. Accordingly, the Petition is **DENIED**.

COOPER, DANIEL, AND DEES, JJ., concur

Britney Sanford-Soles, counsel for Petitioner

Linsey Sims-Bohnenstiehl, counsel for Respondent.