

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*January Term 2008*

**DAVID E. QUIRK,**  
Petitioner,

v.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES,**  
Respondent.

No. 4D08-472

[March 12, 2008]

PER CURIAM.

We deny the petition for writ of certiorari on the authority of *Lescher v. Dep't. of Highway Safety & Motor Vehicles*, 946 So.2d 1140 (Fla. 4th DCA 2006), and certify the same question that this court certified in *Lescher*:

Does the amendment to section 322.271(4), Florida Statutes, which eliminated hardship driver's licenses effective July 1, 2003, violate the prohibition against *ex post facto* laws as to persons who could have applied for a hardship license before the amendment became effective?

SHAHOOD, C.J., FARMER and MAY, JJ., concur.

\* \* \*

Petition for writ of certiorari to the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Jeffrey E. Streitfeld, Judge; L.T. Case No. 07-30950 19.

Brent Del Gaizo of Brent Del Gaizo, P.A., Plantation, for petitioner.

No response required for respondent.

***Not final until disposition of timely filed motion for rehearing***