NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED

	IN THE DISTRICT COURT OF APPEAL
	OF FLORIDA
	SECOND DISTRICT
JUSTIN ECHTERNACH,)
Petitioner,)
V.) Case No. 2D12-2910
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES,)))
Respondent.)
	/

Opinion filed March 20, 2013.

Petition for Writ of Certiorari to the Circuit Court for the Thirteenth Judicial Circuit for Hillsborough County; sitting in its appellate capacity.

Eilam Isaak, Tampa, for Petitioner.

Stephen D. Hurm, General Counsel, and Richard M. Coln, Assistant General Counsel, Orlando, for Respondent.

MORRIS, Judge.

Justin Echternach's petition for second-tier writ of certiorari is denied. <u>See</u>

<u>Dep't of Highway Safety & Motor Vehicles v. Robinson</u>, 93 So. 3d 1090 (Fla. 2d DCA

2012). However, as we did in <u>Robinson</u> and subsequently in <u>Department of Highway</u>

<u>Safety & Motor Vehicles v. Ramnarine</u>, 37 Fla. L. Weekly D2720 (Fla. 2d DCA Nov. 28,

2012), we certify the following question of great public importance to the supreme court pursuant to Florida Rule of Appellate Procedure 9.030(a)(2)(A)(v):

WHEN A SUSPENDEE SEEKS FORMAL REVIEW OF A DRIVER'S LICENSE SUSPENSION PURSUANT TO SECTION 322.2615(a), FLORIDA STATUTES, IS IT A VIOLATION OF DUE PROCESS TO SUSPEND THE LICENSE AFTER A SUBPOENAED WITNESS FAILS TO APPEAR AND THE SUSPENDEE CANNOT ENFORCE THE SUBPOENA WITHIN THE STATUTORILY MANDATED THIRTY-DAY PERIOD FOR FORMAL ADMINISTRATIVE REVIEW?

Petition denied.

SILBERMAN, C.J., and CRENSHAW, J., Concur.