

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D18-4708

STATE OF FLORIDA, DEPARTMENT
OF HIGHWAY SAFETY AND MOTOR
VEHICLES,

Petitioner,

v.

BRIAN ORLANDO HEATH,

Respondent.

Petition for Writ of Certiorari—Original Jurisdiction.

August 30, 2019

PER CURIAM.

In second-tier certiorari proceedings, this Court’s review is limited to a determination of whether the circuit court “[1] afforded procedural due process and [2] applied the correct law.” *City of Deerfield Beach v. Vaillant*, 419 So. 2d 624, 626 (Fla. 1982); see also *Dep’t of Highway Safety & Motor Vehicles v. Edenfield*, 58 So. 3d 904, 906 (Fla. 1st DCA 2011). Here, the Department did not assert a violation of procedural due process and it failed to demonstrate a violation of a clearly established principle of law which resulted in a miscarriage of justice. We, therefore, deny the Petition for Writ of Certiorari. See *Custer Med. Ctr. v. United Auto. Ins. Co.*, 62 So. 3d 1086 (Fla. 2010).

Petition DENIED.

ROWE, JAY, and M.K. THOMAS, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Christie S. Utt, General Counsel, and Elana J. Jones, Assistant General Counsel, for the Department of Highway Safety & Motor Vehicles, Tallahassee, for Petitioner.

Hoot Crawford, Panama City, for Respondent.