

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

JOHN GOODMAN,
Appellant,

v.

FLORIDA DEPARTMENT OF LAW ENFORCEMENT,
Appellee.

No. 4D14-3263

[August 24, 2016]

Appeal from the Florida Division of Administrative Hearings; L.T. Case No. 14-1918RX.

Jane Kreuzler-Walsh and Stephanie L. Serafin of Kreuzler-Walsh, Compiani & Vargas, P.A., West Palm Beach; Brian A. Newman of Pennington, P.A., Tallahassee; and Elizabeth L. Parker of Law Office of Elizabeth Parker, P.A., West Palm Beach; for appellant.

Ann Marie Johnson, Tallahassee, for appellee.

***ON MOTION FOR REHEARING AND CERTIFICATION
OF QUESTIONS OF GREAT PUBLIC IMPORTANCE***

PER CURIAM.

We deny Appellant's motion for rehearing. We grant Appellant's June 28, 2016 Motion for Certification of Questions of Great Public Importance and certify the following questions to the Florida Supreme Court:

(1) ARE THE CURRENT RULES OF THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT (FDLE) INADEQUATE UNDER STATE *v.* MILES, 775 So. 2d 950 (Fla. 2000), FOR PURPORTEDLY FAILING TO SUFFICIENTLY REGULATE PROPER BLOOD DRAW PROCEDURES, AS WELL AS THE HOMOGENIZATION PROCESS TO "CURE" A CLOTTED BLOOD SAMPLE?

(2) ARE THE PRESENT RULES SIMILARLY INADEQUATE FOR FAILING TO SPECIFICALLY REGULATE THE WORK OF

ANALYSTS IN SCREENING BLOOD SAMPLES,
DOCUMENTING IRREGULARITIES, AND REJECTING UNFIT
SAMPLES?

WARNER and FORST, JJ., concur.

GERBER, J., concurs with the denial of the motion for rehearing, and
dissents from the granting of the motion for certification of questions of
great public importance.

* * *