

IN THE SECOND DISTRICT COURT OF APPEAL, LAKELAND, FLORIDA

November 28, 2012

DEPARTMENT OF HIGHWAY SAFETY )  
AND MOTOR VEHICLES, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
CYNTHIA RAMNARINE, )  
 )  
Respondent. )  
\_\_\_\_\_ )

Case No. 2D12-1842

BY ORDER OF THE COURT:

Petitioner's motion for rehearing is granted. The opinion dated September 12, 2012, is withdrawn, and the following opinion is substituted therefor. No further motions for rehearing or clarification will be entertained.

I HEREBY CERTIFY THE FOREGOING IS A  
TRUE COPY OF THE ORIGINAL COURT ORDER.

JAMES BIRK HOLD, CLERK

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

DEPARTMENT OF HIGHWAY SAFETY )  
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CYNTHIA RAMNARINE, )  
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Case No. 2D12-1842

Opinion filed November 28, 2012.

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

Stephen D. Hurm, General Counsel, and Damaris E. Reynolds, Assistant General Counsel, Lake Worth, for Petitioner.

Darren Finebloom of Finebloom, Haenel & Higgins, P.A., Sarasota, for Respondent.

BLACK, Judge.

The petition for writ of certiorari is denied. See Dep't of Highway Safety & Motor Vehicles v. Robinson, 93 So. 3d 1090 (Fla. 2d DCA 2012), petition for review filed, No. SC12-1874 (Fla. Sept. 5, 2012). However, as we did in Robinson, 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 SUSPENDER 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 SUSPENDER CANNOT ENFORCE THE SUBPOENA WITHIN THE STATUTORILY MANDATED THIRTY-DAY PERIOD FOR FORMAL ADMINISTRATIVE REVIEW?

NORTHCUTT and MORRIS, JJ., Concur.