

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

VERA DIANE KANTER,
Petitioner,

APPELLATE DIVISION (CIVIL)
Case No.: 50502011CA008363XXXXMB
DIVISION 'AY'

v.

THE STATE OF FLORIDA,
DEPARTMENT OF HIGHWAY
SAFETY AND MOTOR VEHICLES,
Respondent.

Opinion filed: **JAN 30 2012**

**Petition for Writ of Certiorari concerning the decision of the Florida Department of
Highway Safety and Motor Vehicles**

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- ✓ For Appellee/Respondent: Damaris Reynolds, Esq.
Department of Highway Safety and Motor Vehicles
P.O. Box 540609
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PER CURIAM.

The Petition for Writ of Certiorari is GRANTED. The order sustaining the license suspension is unclear regarding whether Petitioner's license will be suspended for one year or for eighteen months. Accordingly, the matter is remanded to the hearing officer for clarification regarding the length of Petitioner's license suspension. In the order, the hearing officer should state the evidence that supports an eighteen month suspension.

HAFELE and CROW, JJ., concur.

COX, J., dissenting.

When a driver's license is suspended for refusal to submit to a breath, blood, or urine test, the scope of the review is limited to three issues: (1) whether there was probable cause; (2) whether the person refused the test after being requested to do so by a law enforcement officer or correctional officer; and (3) whether the person *was told* that if he or she refused to submit to the test, his or her license would be suspended for one year, or in the case of a subsequent refusal, eighteen months. See § 322.2615, Fla. Stat. (2011) (emphasis added). For the hearing officer to clarify the length of the suspension as the majority requires, the hearing officer would have to review Petitioner's driving record. Petitioner's driving record is not relevant to the scope of review that is provided by statute, and it can be prejudicial in a license suspension hearing. I therefore dissent from the majority opinion.