

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

APPELLATE DIVISION (CIVIL): AY  
CASE NO. 502013CA013530XXXXMB

SALVATORE MANNO,  
Petitioner,

v.

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

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Opinion filed: FEB - 6 2014

Petition for Writ of Certiorari from the Department of Highway Safety and Motor Vehicles.

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PER CURIAM.

The Petition for Writ of Certiorari is DENIED. The Department of Highway Safety and Motor Vehicles' interpreted section 322.271, Florida Statutes to mean that an applicant must not only be drug free, but also alcohol free prior to receiving a hardship license. Petitioner argued that the statute only requires an applicant to be drug free. A reviewing court properly defers on questions of statutory interpretation to the agency to which the Legislature has given the responsibility and authority to administer the statute, unless the interpretation is clearly erroneous. *Okeechobee Health Care v. Collins*, 726 So. 2d 775 (Fla. 1st DCA 1998). This Court finds that such interpretation is reasonable and not clearly erroneous. *See DHSMV v. Abbey*, 745 So. 2d 1024 (Fla. 2d DCA 1999) (holding that it was reasonable for the Department to interpret section 322.271 as requiring an applicant to be alcohol free prior to receiving a hardship license).

SASSER, OFTEDAL and BLANC, JJ., concur.