

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

APPELLATE DIVISION (CIVIL)
Case No.: 502008CA033372XXXXMB
Division: 'AY'

DWAYNE RANDOLPH,

Petitioner,

v.

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

Respondent.

Opinion filed: *November 3, 2009*

Appealed from the Department of Highway Safety and Motor Vehicles.

For Petitioner: Herman Stevens, Jr., Esq.
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Delray Beach, FL 33444

For Respondent: Heather Rose Cramer, Esq.
P.O. Box 540609
Lake Worth, FL 33454

PER CURIAM.

Randolph argues in his Petition for Writ of Certiorari that there is no competent substantial evidence to support an eighteen month suspension because his driving record was not entered into evidence at the hearing. Section 322.2615(8)(a) provides that the driver's license of any person who has had his driver's license suspended for a previous refusal to submit to a lawful breath, blood or urine test shall be suspended for a period of eighteen months. The Department did not admit the Petitioner's driving record into evidence at the hearing in order to

support an eighteen month suspension. *See Carder v. DHSMV*, 15 Fla. L. Weekly Supp. 547a (Fla. 9th Jud. Cir. 2007). However, neither party provided this Court with documentation indicating the length of Rudolph's driver's license suspension. Accordingly, the Petition for Writ of Certiorari is **GRANTED** and the matter is remanded to hearing officer for clarification as to whether Randolph's driver's license was suspended for one year or eighteen months. The record supports a driver's license suspension for a period of one year; however, there is no competent substantial evidence in the record to support an eighteen month driver's license suspension.

FRENCH, ROSENBERG, and KELLEY, JJ., concur.