

IN THE THIRTEENTH JUDICIAL CIRCUIT FOR THE STATE OF FLORIDA
GENERAL CIVIL DIVISION

DEVIN A. TOCCO,
Petitioner,

CASE NO.:20-CA-8481

v.

DIVISION: E

STATE DEPARTMENT OF HIGHWAY
SAFETY AND MOTOR VEHICLES,
Respondent.

ORDER DENYING REHEARING AND CERTIFICATION

Petitioner's motion for rehearing and request for certification are DENIED. *State v. Irizarry*, 698 So. 2d 912 (Fla. 4th DCA 1997) (breath test result affidavit was admissible in evidence without the state having to provide independent proof of the proper maintenance of the Intoxilyzer); *Dept. of Highway Safety and Motor Vehicles v. Mowry*, 794 So. 2d 657, 659 (Fla. 5th DCA 2001) (burden is on Petitioner to come forward with evidence of noncompliance; placement of burden on Petitioner does not offend notions of due process.)

ORDERED in Tampa, Hillsborough County, Florida, on the date imprinted with the Judge's signature.

Electronically Conformed 7/15/2021

Anne-Leigh Gaylord Moe

ANNE-LEIGH G. MOE, Circuit Court Judge

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