

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

JOSE EDUARDO VELAZQUEZ,  
Petitioner,

CASE NO.: 21-CA-9340

v.

DIVISION: I

STATE DEPARTMENT OF HIGHWAY  
SAFETY AND MOTOR VEHICLES,  
Respondent.

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ORDER DENYING PETITION FOR WRIT OF CERTIORARI

The petition is DENIED. *Dept. of Highway Safety and Motor Vehicles v. Cherry*, 91 So. 3d 849, 858 (Fla. 5th DCA 2011) (stating that the failure to provide breath samples constitutes a refusal to submit to the breath test where Florida law is concerned with whether [driver] provided the required number of valid breath samples rather than whether the test was complete, *citing* Fla. Admin. Code R. 11D-8.002(12)); *Dep't of Highway Safety & Motor Vehicles v. Rose*, 105 So. 3d 22, 24 (Fla. 2d DCA 2012) (circuit court is not permitted to reweigh evidence or substitute its judgment for that of the hearing officer).

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

Electronically Conformed 4/21/2022  
Paul Huey

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PAUL L. HUEY, Circuit Court Judge

Electronic copy provided through JAWS