

SUPREME COURT OF FLORIDA

Joseph B. Wiggins v. Florida Department of Highway Safety and Motor Vehicles

209 So. 3d 1165 (Fla. 2017) · No. SC14-2195 · Decided January 31, 2017

SUMMARY

The Florida Supreme Court reviewed a certified question concerning whether a circuit court conducting first-tier certiorari review under section 322.2615, Florida Statutes, may reject officer testimony as competent, substantial evidence when it is totally contradicted by video evidence. The Court answered the question affirmatively, holding that the circuit court must consider record video evidence and that testimony totally contradicted and refuted by such evidence is not competent, substantial evidence in this context.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Lewis, J.; Labarga, C.J.; Pariente, J.; Quince, J.; Perry, Senior Justice
JURISDICTION	Florida
DECIDED	January 31, 2017
DOCKET	SC14-2195
DISPOSITION	other
PROCEDURAL POSTURE	The Florida Supreme Court reviewed the First District Court of Appeal's decision on a certified question of great public importance arising from first-tier certiorari review of a DUI-related driver's-license suspension.
STANDARD OF REVIEW	The certified question was reviewed de novo as a pure question of law. First-tier certiorari review examines procedural due process, observance of the essential requirements of law, and whether administrative findings are supported by competent, substantial evidence. Second-tier certiorari review is limited to whether the lower tribunal afforded procedural due process and applied the correct law.
PRECEDENTIAL VALUE	published and precedential Florida Supreme Court opinion
PARTIES	Florida Department of Highway Safety and Motor Vehicles v. Joseph B. Wiggins

TOPICS

writ of certiorari judicial review of agency action administrative law appellate procedure
fourth amendment

PRACTICE AREAS

administrative law appellate procedure DUI and driver's-license suspension constitutional law

QUESTIONS PRESENTED

1. Whether, in first-tier certiorari review under section 322.2615, a circuit court must consider objective video evidence as part of its competent, substantial evidence analysis.
2. Whether officer testimony that is totally contradicted, negated, and refuted by objective real-time video evidence may constitute competent, substantial evidence supporting a DUI-related license suspension.
3. Whether the circuit court applied the correct law by rejecting the officer's testimony and report as incompetent in light of the video evidence.

HOLDINGS

1. A circuit court conducting first-tier certiorari review of a DUI license suspension under section 322.2615 must review and consider video evidence of the events that are part of the record when determining whether the agency's findings are supported by competent, substantial evidence.
2. In the limited context of section 322.2615 first-tier review, officer testimony that is totally contradicted, negated, and refuted by objective, neutral, real-time video evidence of record cannot be deemed competent, substantial evidence.

KEY QUOTATIONS

"We answer the rephrased certified question in the affirmative and hold that in this context of section 322.2615 first-tier review, a circuit court must review and consider video evidence of the events which are of record as part of its competent, substantial evidence analysis." (209 So. 3d at 1166)

"Further, we hold in this limited context that evidence which is totally contradicted and totally negated and refuted by video evidence of record, is not competent, substantial evidence." (209 So. 3d at 1166)

"Accordingly, we hold that in the limited context of section 322.2615 first-tier review of a DUI license suspension, a circuit court applies the correct law by rejecting officer testimony as being competent, substantial evidence when that testimony is contrary to and refuted by objective real-time video evidence." (209 So. 3d at 1175)

FACTUAL BACKGROUND

A law-enforcement officer stopped Joseph B. Wiggins for suspected impaired driving and reported that Wiggins swerved, crossed a lane line, nearly struck the curb, braked erratically, and made a wide turn. The officer's dashboard-camera video, however, showed conduct that the majority found totally contradicted and refuted those descriptions. The officer also failed to activate his body camera despite a standing order requiring recording of

direct contact with suspected impaired drivers, and his written report contained acknowledged inconsistencies with the video.

PROCEDURAL HISTORY

The Department of Highway Safety and Motor Vehicles suspended Wiggins's driver's license after a formal administrative hearing. On first-tier certiorari review, the Fourth Judicial Circuit Court held that the officer's report and testimony were not competent, substantial evidence because they were totally contradicted by dashboard-camera video. The First District quashed the circuit court's order, concluding that the circuit court had improperly reweighed the evidence, and certified a question to the Florida Supreme Court. The Supreme Court answered its rephrased question in the affirmative.

DISPOSITION

other

CASES CITED

- Jackson-Shaw Co. v. Jacksonville Aviation Auth., 8 So. 3d 1076, 1084-85 (Fla. 2009)
- Florida Department of Highway Safety & Motor Vehicles v. Hernandez, 74 So. 3d 1070, 1076, 1078-79 (Fla. 2011)
- Schwartz v. Fla. Dep't of Highway Safety & Motor Vehicles, 920 So. 2d 664, 665 (Fla. 3d DCA 2005)
- Fla. Dep't of Highway Safety & Motor Vehicles v. DeShong, 603 So. 2d 1349, 1351 (Fla. 2d DCA 1992)
- Nader v. Fla. Dep't of Highway Safety & Motor Vehicles, 87 So. 3d 712, 717, 723 (Fla. 2012)
- Haines City Cmty. Dev. v. Heggs, 658 So. 2d 523, 530 (Fla. 1995)
- Broward Cty. v. G.B.V. Int'l, Ltd., 787 So. 2d 838, 842-45 (Fla. 2001)
- City of Deerfield Beach v. Vaillant, 419 So. 2d 624, 626 (Fla. 1982)
- Dusseau v. Metropolitan Dade County Board of County Commissioners, 794 So. 2d 1270, 1274-76 (Fla. 2001)
- Florida Power & Light Co. v. City of Dania, 761 So. 2d 1089, 1092-93 (Fla. 2000)
- Educ. Dev. Ctr., Inc. v. City of W. Palm Beach Zoning Bd. of Appeals, 541 So. 2d 106, 108 (Fla. 1989)
- De Groot v. Sheffield, 95 So. 2d 912, 916 (Fla. 1957)
- Forth v. Dep't of Highway Safety & Motor Vehicles, 148 So. 3d 781, 782 (Fla. 2d DCA 2014)
- Fla. Dep't of Highway Safety & Motor Vehicles v. Griffin, 909 So. 2d 538, 543 (Fla. 4th DCA 2005)
- Fla. Dep't of Highway Safety v. Dean, 662 So. 2d 371, 373 (Fla. 5th DCA 1995)
- Dep't of Highway Safety & Motor Vehicles v. Stewart, 625 So. 2d 123, 124 (Fla. 5th DCA 1993)
- Dep't of Highway Safety & Motor Vehicles v. Trimble, 821 So. 2d 1084, 1086 (Fla. 1st DCA 2002)
- Tibbs v. State, 397 So. 2d 1120, 1123 (Fla. 1981)
- Hernandez v. Florida, 457 U.S. 31 (1982)

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