

# Chapter 84-265

## Senate Bill No. 130

An act relating to drivers' licenses; amending s. 322.251, F.S.; providing methods of delivery of orders of cancellation, suspension, or revocation; amending s. 120.60, F.S.; exempting delivery of orders of cancellation, suspension, or revocation of driver licenses from certain notice requirements of the Administrative Procedure Act; amending s. 322.29, F.S.; revising certain procedures for the surrender or revocation and return of drivers licenses; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (1) of section 322.251, Florida Statutes, is amended to read:

322.251 Personal service or notice by first class ~~certified~~ mail; surrender of license required.—

(1) All orders of cancellation, suspension, or revocation issued under the provisions of this chapter, chapter 318, chapter 324, or ss. 627.732-627.734 shall be given either by personal delivery thereof to the licensee whose license is being canceled, suspended, or revoked or by deposit in the United States mail in an envelope, first class ~~marked certified mail~~, postage prepaid, addressed to the licensee at his last know address furnished to the department. Such mailing by the department shall constitute notification, and any failure by the person to receive the mailed order shall not affect or stay the effective date or term of the cancellation, suspension, or revocation of the licensee's driving privilege.

Section 2. Subsection (6) of section 120.60, Florida Statutes, is amended to read:

120.60 Licensing.---

(6) No revocation, suspension, annulment, or withdrawal of any license is lawful unless, prior to the entry of a final order, the agency has served, by personal service or certified mail, an administrative complaint which affords reasonable notice to the licensee of facts or conduct which warrant the intended action and unless the licensee has been given an adequate opportunity to request a proceeding pursuant to s. 120.57. When personal service cannot be made and the certified mail notice is returned undelivered, the agency shall cause a short, simple notice to the licensee to be published once each week for 4 consecutive

weeks in a newspaper published in the county of the licensee's last known address as it appears on the records of the board. If no newspaper is published in that county, the notice may be published in a newspaper of general circulation in that county. If the address is in some state other than this state or in a foreign territory or country, the notice may be published in Leon County. Notwithstanding the provisions of this section, cancellation, suspension, or revocation of a driver's license shall be by personal delivery to the licensee or by first class mail as provided by s. 322.251.