

IN THE CIRCUIT COURT, FOURTH  
JUDICIAL CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA

CASE NO: 16-2020-AP-60

DIVISION: AP-A

SCOTT MILLER,  
Petitioner,

v.

DEPARTMENT OF HIGHWAY  
SAFETY AND MOTOR VEHICLES,  
Respondent.

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Petition for Writ of Certiorari from the decision of the State of Florida Department of Highway  
Safety and Motor Vehicles

MARCH 18, 2022

PER CURIAM

Petitioner seeks certiorari review of the Department's decision to uphold the permanent revocation of his driver's license. On certiorari review of an administrative action, this Court's standard of review is "limited to a determination of whether procedural due process was accorded, whether the essential requirements of the law had been observed, and whether the administrative order was supported by competent, substantial evidence." Dep't of Highway Safety and Motor Vehicles v. Luttrell, 983 So. 2d 1215, 1217 (Fla. 5th DCA 2008); see also Dep't of Highway Safety and Motor Vehicles v. Trimble, 821 So. 2d 1084, 1085 (Fla. 1st DCA 2002). Petitioner's sole argument is that the Department could not legally issue a permanent revocation. He cannot

demonstrate a departure from the essential requirements of the law because section 322.28(e), Florida Statutes (1999), authorizes a permanent revocation after a fourth conviction.<sup>1</sup> Accordingly, the “Petition for Writ of Certiorari” is **DENIED**, and the “Motion for Oral Argument” is **DENIED** as **MOOT**.

CHARBULA AND SALEM, JJ., concur.

Susan Z. Cohen., counsel for Petitioner

Mark L. Mason, Esq., counsel for Respondent.

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<sup>1</sup> This provision, at the time of the hearing was, and still is, set forth in s. 322.28(d), Florida Statutes (2020).