

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

RODGER BUTLER,

Appellant,

v.

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

CASE NO. 1D12-3497

BOARD OF NURSING, STATE  
OF FLORIDA,

Appellee.

\_\_\_\_\_ /

Opinion filed February 14, 2013.

An appeal from an order of the Department of Health.

Rodger Butler, pro se, Appellant.

Therese A. Savona, Assistant General Counsel, Prosecution Services Unit,  
Department of Health, Tallahassee, for Appellee.

PER CURIAM.

Rodger Butler appeals the Florida Board of Nursing's final order revoking his state nursing license, alleging he was denied due process when he was not notified of the final hearing at which his license was revoked. The Department of

Health concedes that, although the failure to properly notify Butler was unintentional, it is nevertheless a material procedural error requiring reversal and remand. See § 120.68(7)(c) Fla. Stat. (2011).

Accordingly, we REVERSE the Board's final order revoking Butler's nursing license and REMAND for a new hearing, with instructions that Butler be provided adequate notice and an opportunity to be heard in accordance with federal and state principles of due process.

VAN NORTWICK, LEWIS, and SWANSON, JJ., CONCUR.