

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D20-2217

KIRABEL GUERRERO AYBAR,
R.N.,

Appellant,

v.

STATE OF FLORIDA, DEPARTMENT
OF HEALTH,

Appellee.

On appeal from a final order of the Florida Department of
Health, Board of Nursing.

December 22, 2020

PER CURIAM.

This is an appeal of a final order from the Department of Health, Board of Nursing, which revoked Appellant's license to practice as a registered nurse. After the Appellant was served with the administrative complaint which sought revocation of her license, she waived her right to contest the facts alleged in the complaint and requested an informal hearing. *See* § 120.57(2), Fla. Stat. (2018). On appeal, the Appellant argues that the final order must be set aside under section 120.68(7)(c), Florida Statutes (2019), because of a material error in the procedure which impaired the "fairness of the proceedings or the correctness of the action."

The informal hearing was held on June 4, 2020. The Appellant asserts that the notice of this hearing was not sent to her current address and thus she was deprived of adequate notice. The record refutes this assertion. A notice of the hearing with the proper case number addressed to Appellant's correct address is in the record. Additionally, Appellant states in her initial brief that she attended the informal hearing by telephone, showing she had notice of the hearing. Appellant also contends that "to the best of her knowledge her name was not called" during the informal hearing, but that is also refuted by the record.

The final order is therefore AFFIRMED.

RAY, C.J., and BILBREY and WINOKUR, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Sara A. Bazzigaluppi of Chapman Law Group, Sarasota, for Appellant.

Sarah Young Hodges, Chief Appellate Counsel, Florida Department of Health, Prosecution Services Unit, Tallahassee, for Appellee.