

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

RALPH C. ACKROYD,

Appellant,

v.

DEPARTMENT OF REVENUE,
CHILD SUPPORT ENFORCEMENT
PROGRAM, on behalf of RHONDA S.
ELLIOTT,

Appellee.

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

CASE NO. 1D04-4294

Opinion filed May 16, 2005.

An appeal from an order of the Department of Revenue.

Ralph C. Ackroyd, pro se, appellant.

Charlie Crist, Attorney General, and Toni C. Bernstein, Assistant Attorney General,
Tallahassee, for appellee.

PER CURIAM.

Ralph C. Ackroyd appeals an order of the Department of Revenue which denied
as untimely his administrative challenge to proposed agency action and request for

hearing. Appellee now moves to relinquish jurisdiction for the purpose of withdrawing its prior order and entry of an amended order which grants Ackroyd's request for a hearing.

We elect to treat the motion as a confession of error and reverse and remand for further proceedings. See Stacey v. Department of Professional Regulation, Board of Nursing Home Administrators, 547 So. 2d 241 (Fla. 1st DCA 1989).

REVERSED and REMANDED.

BARFIELD, DAVIS and HAWKES, JJ., concur.