

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

WILLIAM JARVIS,

Petitioner,

v.

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

CASE NO. 1D13-1250

CAROLANNE BRACEWELL,
ASSISTANT WARDEN
JACKSON CORRECTIONAL
INSTITUTION, DEPARTMENT
OF CORRECTIONS, ET AL.,

Respondents.

_____ /

Opinion filed August 30, 2013.

Petition for Writ of Certiorari.

William Jarvis, pro se, Petitioner.

Jennifer Parker, General Counsel, and Barbara Debelius, Assistant General
Counsel, Department of Corrections, Tallahassee, for Respondent.

PER CURIAM.

Upon Respondents' proper confession of error, we quash the order denying
Petitioner's "Motion for Belated Rehearing" as untimely. Although styled as a motion

for rehearing, the body of the motion clearly and properly sought relief under Florida Rule of Civil Procedure 1.540(b). See Patterson v. Crosby, 917 So. 2d 1033, 1034 (Fla. 1st DCA 2006) (explaining that rule 1.540(b) is the proper means for seeking relief from an order that was not furnished to a party until after the time for appeal had expired); Brown v. State, 708 So. 2d 1041 (Fla. 1st DCA 1998) (same). The motion was timely under rule 1.540(b) and, thus, the trial court erred in concluding that it lacked jurisdiction to consider the motion.

PETITION GRANTED; ORDER QUASHED.

THOMAS, WETHERELL, and RAY, JJ., CONCUR.