

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

| | | |
|------------|---|--------------------|
| E.L., |) | |
| |) | |
| Appellant, |) | |
| |) | |
| v. |) | Case No. 2D19-1392 |
| |) | |
| J.A.K., |) | |
| |) | |
| Appellee. |) | |
| _____ |) | |

Opinion filed December 18, 2019.

Appeal from the Circuit Court for Manatee
County; Diana L. Moreland, Judge.

E.L., pro se.

Peter A. Peak, Bradenton, for Appellee.

PER CURIAM.

We affirm the trial court's final judgment of stepparent adoption, without comment. We note, however, that after filing the notice of appeal, E.L. filed a motion to reverse the final judgment, akin to one seeking a motion for relief from judgment filed under Florida Rule of Civil Procedure 1.540(b). See generally Fla. R. Civ. P. 1.540(b) (providing that a party may file a motion seeking relief from a final judgment based, in part, on "(1) mistake, inadvertence, surprise, or excusable neglect; . . . (3) fraud

(whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party; or (4) that the judgment or decree is void").

Our affirmance is without prejudice to E.L.'s right to refile a timely rule 1.540(b) motion in the trial court. See generally In re Guardianship of Schiavo, 792 So. 2d 551, 558 (Fla. 2d DCA 2001) (explaining that the time to file a rule 1.540(b)(1), (2), or (3) motion runs from entry of the final judgment, not from the resolution of the appeal from the final judgment). We express no opinion on the merits of any such motion.

Affirmed.

KELLY, LaROSE, and SALARIO, JJ., Concur.