



In his motion, Terrell explained that he was incarcerated in Georgia before being transported to Florida to face outstanding charges in Polk County and Hillsborough County. He was convicted and sentenced in Polk and Hillsborough counties. His sentencing in Hillsborough County is the subject of this appeal because, while he did receive credit for the time spent in Florida jails, he did not receive credit for the time he was incarcerated in Georgia. He subsequently filed a motion for jail credit arguing that he should receive credit for the time he was in jail in Georgia.

Claims for out-of-state jail credit are not cognizable under rule 3.801; rather, they must be raised in a timely motion for postconviction relief under rule 3.850. See Gisi v. State, 135 So. 3d 493, 495 (Fla. 2d DCA 2014); Garnett v. State, 957 So. 2d 32, 33 (Fla. 2d DCA 2007) (en banc) ("If a defendant is seeking out-of-state jail credit in a postconviction proceeding, it would appear that the proper method to seek such relief would normally require a timely allegation of ineffective assistance of trial counsel under rule 3.850."). Here, the postconviction court evaluated Terrell's claim as if he was seeking credit for the period of time he was incarcerated in a Florida county jail. But the court did not consider Terrell's claim for out-of-state jail credit. Instead of denying Terrell's rule 3.801 motion, the postconviction court should have treated the motion—at least insofar as it pertained to his claim for out-of-state jail credit—as if it had been filed under the correct rule. See Gil v. State, 829 So. 2d 299, 300 (Fla. 2d DCA 2002) ("Where a movant files a properly pleaded claim but incorrectly styles the postconviction motion in which it was raised, the trial court must treat the claim as if it had been filed in a properly styled motion."). Accordingly, the postconviction court should have given

Terrell the opportunity to file a facially sufficient rule 3.850 motion. See Patterson v. State, 141 So. 3d 707, 708–09 (Fla. 2d DCA 2014).

We therefore reverse the postconviction court's order and remand with directions for the postconviction court to permit Terrell to file a facially sufficient rule 3.850 motion for out-of-state jail credit within sixty days of the date that this opinion becomes final if he can do so in good faith.

VILLANTI, LUCAS, and SMITH, JJ., Concur.