

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

CRAIG WOEHRLE,

Appellant,

v.

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

CASE NO. 1D12-0068

FLORIDA DEPARTMENT OF
CORRECTIONS,

Appellee.

/

Opinion filed June 6, 2012.

An appeal from the Circuit Court for Leon County.
James O. Sheller, Judge.

Craig F. Woehrle, pro se, Appellant.

Pamela Jo Bondi, Attorney General, and Joy A. Stubbs, Assistant Attorney General, Tallahassee, for Appellee.

PER CURIAM.

Upon consideration of the appellant's response to the Court's order of April 2, 2012, the Court has determined that the appeal is untimely. Although the lower tribunal treated the appellant's motion for rehearing as timely filed, it was without authority to do so. Fla. R. Civ. P. 1.090(b). Consequently, the appellant's untimely

motion for rehearing failed to delay rendition of the underlying order pursuant to Florida Rule of Appellate Procedure 9.020(h). As a result, the notice of appeal, which was filed more than 30 days after rendition of the final order, failed to timely invoke the Court's jurisdiction. Accordingly, the appeal is dismissed for lack of jurisdiction.

ROBERTS, WETHERELL, and ROWE, JJ., CONCUR.