

Supreme Court of Florida

No. 73,239

H. W. JONES, Petitioner,

vs.

OFFICE OF THE SHERIFF, Respondent.

[March 30, 1989]

BARKETT, J.

We have for review Jones v. Office of the Sheriff, 532 So.2d 742, 743 (Fla. 1st DCA 1988), in which the district court certified the following question to be of great public importance:

When a party seeks appellate review of a nonappealable order, and assuming the notice of appeal is timely filed in the lower tribunal, must the notice of appeal be filed in the appellate court within 30 days of rendition of the order in order for the appellate court to have jurisdiction to treat the notice as a petition for writ of certiorari?

We have discretionary jurisdiction. Art. V, § 3(b)(4), Fla. Const. We answer the certified question in the negative, quash the decision of the district court on the authority of Johnson v. Citizens State Bank, 537 So.2d 96 (Fla. 1989), and remand for proceedings consistent herewith.

It is so ordered.

EHRlich, C.J., and OVERTON, McDONALD, SHAW, GRIMES and KOGAN, JJ.,
Concur

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

Application for Review of the Decision of the District Court
of Appeal - Certified Great Public Importance

First District - Case No. 88-1194
(Duval County)

Elizabeth L. White, Wm. J. Sheppard and Cyra O'Daniel of
Sheppard and White, P.A., Jacksonville, Florida,

for Petitioner

James L. Harrison, General Counsel and Bruce Page, Assistant
Counsel, Jacksonville, Florida,

for Respondent