

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission issued a Final Order, March 12, 2001, in response to the request received from Don T. Scroggs, CEO, Square One Builders, Inc., on February 9, 2001. The request was assigned the number DCA01-DEC-024. The Final Order dismisses the petition for Declaratory Statement without prejudice.

A copy of the Final Order may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Corrections received a Petition to Initiate Rulemaking on March 8, 2001 from Mark Osterback. Petitioner is seeking amendment of Chapter 33-103, Florida Administrative Code, to require the Department to provide a procedure to review grievances pertaining to the operation of, and other matters relating to, the Financial Service Center.

A copy of the Petition may be obtained by writing: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN that the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Douglas Jackson. The Petitioner requested that the Department of Corrections amend Chapter 33, FAC., to include a uniform rule relating to storage of inmate legal property and further requests that the uniform rule permit free access to this property by inmates.

The Department denied Inmate Jackson's Petition to Initiate Rulemaking on the grounds that Rule 33-210.102(11)(b), FAC., authorizes each warden of an institution to adopt a procedure whereby legal materials may be stored. In adopting such a rule, the Department recognized that the ability of institutions to store property varies. Adoption of a uniform rule is currently not feasible. Furthermore, free access to legal property by inmates implies that all inmates would have access to the property. Such a provision is clearly not in an inmate's best interests.

A copy of the Order may be obtained from: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN that the Department of Corrections has issued a response to a Petition to Initiate Rulemaking from Douglas Jackson. The Petitioner requested that the Department of Corrections amend Rule 33-501.301, FAC., to permit general population inmates free access to law libraries without the need to submit an Inmate Request. He asserts that inmates are denied free access to courts by a contrary policy.

The Department denied Inmate Jackson's Petition to Initiate Rulemaking on the grounds that an institution rule that requires an inmate to submit an Inmate Request prior to using the law library does not impinge upon an inmate's right of access to courts. Inmates do not have a constitutional right to free access to law libraries.

Even where prison regulations do impinge upon an inmate's constitutional rights, they are nonetheless valid where they serve a legitimate penological interest. Requiring inmates to submit an Inmate Request permits an institution to maximize access to the law library, allows for priority use by inmates with court deadlines, and permits scheduling of other inmates during non-work hours.

A copy of the Order may be obtained from: Giselle Lylen Rivera, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

AGENCY FOR WORKFORCE INNOVATION

NOTICE IS HEREBY GIVEN that the Agency for Workforce Innovation, has agreed to an Abeyance in the matter of In Re: Request for a Declaratory Statement Resolving Questions about the Appeal Procedures that Apply to the Denial of Mike Caro's Request for Training, OGC Case No. 2000/01-0001. The Abeyance is for a period of 45 days with the option to extend the stay for an additional 30 days.

A copy of the Notice of Abeyance may be obtained by writing: Veronica Moss, Agency Clerk, Agency for Workforce Innovation, Office of General Counsel, The Atkins Building, Suite 300, 1320 Executive Center Drive, Tallahassee, Florida 32399-2250.

Section VIII Notices of Petitions and Dispositions Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

