

October 26, 2016

NOTICE OF DISPOSITION OF DECLARATORY STATEMENT

FLORIDA DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the Florida Department of Corrections issued a Final Order dated October 24, 2016, disposing of the Petition for Declaratory Statement filed on September 21, 2016, by Frank Mazzei.

The following is a summary of the agency's disposition of the petition: The Petitioner asserted that the "local rules" at Okeechobee Correctional Institution are inconsistent with section 944.8031(3), Florida Statutes, and rules 33-601.713, 33-601.714, and 33-601.721, Florida Administrative Code, as written. The Petitioner did not allege that he is unsure of how the provisions of the Florida Statutes and the Florida Administrative Code should be applied to his particular situation. Such uncertainty is a necessary element of any statutorily sufficient Petition for Declaratory Statement. As for the unidentified form and the "Policy and Procedure Manual" referenced in the Petition, the Petitioner failed to set forth any issue, controversy, or confusion regarding either. Accordingly, the Department was unable to make any declaration regarding those items. For the foregoing reasons, the Petition was denied.

A copy of the Final Order and the Petition for Declaratory Statement may be obtained by contacting: Valerie Robinson, 501 South Calhoun Street, Tallahassee, Florida 32399, valerie.robinson@fdc.myflorida.com, (850) 717-3605.