

August 15, 2013

Notice of Declination for Declaratory Statement

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the Florida Department of Corrections has issued an order disposing of the petition for declaratory statement filed by inmate Jose Guilarte, DC# 099389 on July 31, 2013. The following is a summary of the agency's disposition of the petition:

Notice of Petition for Declaratory Statement was published in Vol. 39, No. 151, of the August 5, 2013, Florida Administrative Register. Inmate Jose Guilarte, DC# 099389 sought a Declaratory Statement regarding the agency's interpretation of how the timeframes listed in Rules 33-103.011, 33-103.014, and 33-103.015, Florida Administrative Code, apply when an inmate transfers institutions. The Final Order, filed on August 14, 2013, denies the Petition for Declaratory Statement because pursuant to section 120.81(3), Florida Statutes, the Department lacks the jurisdiction to issue a declaratory statement for inmates. As an inmate of the Florida Department of Corrections, Jose Guilarte, DC# 099389 is limited to participation in administrative proceedings under section 120.54(3)(c) or (7), Florida Statutes. See § 120.81(3)(a), Fla. Stat. (2012).

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Janet Holmes, 501 S. Calhoun Street, Tallahassee, Florida 32399 or by electronic mail- holmes.janet@mail.dc.state.fl.us.