

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

DENNIS CREAMER,

Appellant,

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

v.

CASE NO. 1D10-3120

FLORIDA PAROLE
COMMISSION,

Appellee.

_____ /

Opinion filed April 14, 2011.

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

Dennis Creamer, pro se, Appellant.

Sarah J. Rumph, General Counsel, and Anthony Andrews, Assistant General
Counsel, Florida Parole Commission, Tallahassee, for Appellee.

PER CURIAM.

Appellant, an inmate of the state correctional system, seeks review of a final
declaratory judgment holding that Florida Administrative Code Rule 23-21.0155,
addressing extraordinary review by the Florida Parole Commission of a prisoner's

eligibility for parole, is a valid exercise of delegated legislative authority, and an earlier interlocutory order denying appellant's motion to waive the filing fee. We affirm the final declaratory judgment without further discussion. However, based on Florida Parole Commission v. Spaziano, 48 So. 3d 714 (Fla. 2010), we reverse the order denying appellant's motion to waive the filing fee.

AFFIRMED IN PART and REVERSED IN PART.

BENTON, C.J., WEBSTER, and VAN NORTWICK, JJ., CONCUR.