

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

RANDALL T. PRATER,

Appellant,

v.

JAMES R. McDONOUGH,

Appellee.

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

CASE NO. 1D05-5047

Opinion filed December 22, 2006.

An appeal from the Circuit Court for Leon County.
Terry P. Lewis, Judge.

Randall T. Prater, pro se, Raiford, for Appellant.

Charlie Crist, Attorney General, and Joy A. Stubbs, Assistant Attorney General,
Tallahassee, for Appellee.

PER CURIAM.

We reverse and remand the denial of Prater's petition for writ of mandamus. Contrary to the trial court's order, prisoners may petition to initiate rulemaking under the Administrative Procedure Act. See § 120.81(3), Fla. Stat. (2005) (explaining that prisoners may petition to initiate rulemaking pursuant to section 120.54(7)). We do

not, however, disturb the trial court's sanctions order entered in a companion case. See Prater v. McDonough, No. 1D05-5027 (Fla. 1st DCA Dec. 22, 2006). Accordingly, all further action in this case shall proceed in accordance with that order by requiring Prater to either pay the filing fee or retain counsel.

REVERSED and REMANDED.

KAHN, HAWKES and THOMAS, JJ., CONCUR.