

# Supreme Court of Florida

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No. 87,542

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WALTER LEE RATLIFF,  
Petitioner,

vs.

STATE OF FLORIDA,  
Respondent.

[November 7, 1996]

PER CURIAM.

We have for review Ratliff v. State, 668 So. 2d 1090 (Fla. 1st DCA 1996). We accepted jurisdiction to answer the following question certified to be of great public importance:

DO THE 1982 AMENDMENTS TO CHAPTER 810, FLORIDA STATUTES, SUPERSEDE THE COMMON-LAW DEFINITION OF A DWELLING, WHEREBY A STRUCTURE'S DESIGN OR SUITABILITY FOR HABITATION, RATHER THAN ACTUAL OCCUPANCY OR INTENT TO OCCUPY, IS CONTROLLING IN DETERMINING WHETHER A STRUCTURE CONSTITUTES A DWELLING?

Id. at 1090-91.<sup>1</sup>

The First District affirmed petitioner's conviction for burglary of a dwelling based on its holding in Perkins v. State, 630 So. 2d 1180 (Fla. 1st DCA 1994). Id. at 1090. We recently approved the district court's decision in Perkins, Perkins v. State, No. 86,248 (Fla. Oct. 31, 1996), and answered in the affirmative the same certified question presented in this case.

Accordingly, on the authority of Perkins, we answer the certified question in the affirmative and approve the decision under review. We decline to address the additional issues raised by petitioner in his brief as they were not included in the question certified by the First District.

It is so ordered.

KOGAN, C.J., and OVERTON, SHAW, GRIMES, HARDING, WELLS and ANSTEAD, JJ., concur.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

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<sup>1</sup> We have jurisdiction pursuant to article V, section 3(b)(4) of the Florida Constitution.

Application for Review of the Decision of the District Court of  
Appeal - Certified Great Public Importance  
First District - Case No. 95-267

(Duval County)

Nancy A. Daniels, Public Defender and Phil Patterson, Assistant  
Public Defender, Second Judicial Circuit, Tallahassee, Florida,

for Petitioner

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Chief, Criminal Appeals, and Mark C. Menser, Assistant Attorney  
General, Tallahassee, Florida,

for Respondent