

COPY

# Supreme Court of Florida

STATE OF FLORIDA,  
Petitioner,

vs.

TERRY L. SMITH,  
Respondent.

No. 91,852

[June 4, 1998]

WELLS, J.

We have for review the following question certified to be of great public importance:

SHOULD THE REQUIREMENT THAT A DEFENDANT PAY FOR DRUG TESTING BE TREATED AS A GENERAL CONDITION OF PROBATION FOR WHICH NOTICE IS PROVIDED BY SECTION 948.09(6), FLORIDA STATUTES (1995), OR SHOULD IT BE TREATED AS A SPECIAL CONDITION THAT REQUIRES ORAL ANNOUNCEMENT?

Smith v. State, 702 So. 2d 1305, 1306 (Fla. 2d DCA 1997). We have jurisdiction. Art. V, § 3(b)(4), Fla. Const. We answered this question in State v. Williams, No. 91,655 (Fla. June 4, 1998), by holding that the requirement that a defendant pay for drug testing is a special condition of probation which the trial court must pronounce orally at sentencing. Accordingly, we approve the decision below.

It is so ordered.

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

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

Application for Review of the Decision of the District Court of Appeal - Certified Great Public Importance

Second District - Case No. 96-03383

(Lee County)

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for Petitioner

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for Respondent