

STATE OF FLORIDA,  
Petitioner,  
vs.  
L.A.S., a child,  
Respondent.  
No. 92,714

[October 29, 1998]

SHAW, J.

We have for review L.A.S. v. State, 23 Fla. L. Weekly D789 (Fla. 1st DCA Mar. 24, 1998), wherein the First District Court of Appeal certified the following question:

DOES THE TRIAL JUDGE, ACTING AFTER A DISPOSITION HEARING AND BASED ON SPECIFIC REASONS, HAVE AUTHORITY TO REJECT THE DEPARTMENT [OF JUVENILE JUSTICE]'S COMMUNITY CONTROL RECOMMENDATION WITHOUT REMANDING THE CASE TO THE DEPARTMENT FOR AN ALTERNATIVE RECOMMENDATION?

We have jurisdiction. Art. V, § 3(b)(4), Fla. Const.

We answered this question in State v. E.D.P., No. 92,345 (Fla. Oct. 8, 1998), in the affirmative. Accordingly, we quash the instant district court decision and remand the case with directions to reinstate the sentence of the trial court.

It is so ordered.

HARDING, C.J., and OVERTON and WELLS, JJ., concur.

KOGAN, ANSTEAD and PARIENTE, JJ., dissent.

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

First District - No. 97-4213

(Duval County)

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