

**A.H.D., a child,**  
Petitioner,  
vs.  
**STATE OF FLORIDA,**  
Respondent.  
No. 93,827

[March 18, 1999]

PER CURIAM.

We have for review A.H.D. v. State, 715 So. 2d 1145 (Fla. 5th DCA 1998), based on conflict with B.D.W. v. State, 701 So. 2d 629 (Fla. 1st DCA 1997), approved on other grounds, 717 So. 2d 460 (Fla. 1998), and R.A.M. v. State, 695 So. 2d 1308 (Fla. 1st DCA 1997), approved on other grounds sub nom., State v. T.M.B., 716 So. 2d 269 (Fla. 1998). We have jurisdiction. Art. V, § 3(b)(3), Fla. Const. We approve A.H.D.

The issue raised in the instant conflict is the same issue that was presented to this Court in State v. E.D.P., 23 Fla. L. Weekly S524 (Fla. Oct. 8, 1998), wherein we addressed the following certified question of great public importance:

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 answered the question in the affirmative. Id.

In accordance with our decision in E.D.P., we approve A.H.D. and disapprove B.D.W. to the extent it is inconsistent with E.D.P. On October 8, 1998, this Court disapproved R.A.M.-the second conflict case-to the extent it is inconsistent with E.D.P. See D.L.B v. State, 720 So. 2d 202 (Fla. 1998).

It is so ordered.

HARDING, C.J., and SHAW, WELLS, LEWIS and QUINCE, JJ., concur.

PARIENTE, J., concurs with an opinion, in which ANSTEAD, J., concurs.

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

PARIENTE, J., concurring.

I concur in the result because we are bound by our decision in State v. E.D.P., 23 Fla. L. Weekly S524 (Fla. Oct. 8, 1998). However, I continue to agree with Justice Anstead's well-reasoned dissent in E.D.P.

ANSTEAD, J., concurs.

Application for Review of the Decision of the District Court of Appeal - Certified Direct Conflict of Decisions

Fifth District - Case No. 97-3305

(Orange County)

James B. Gibson, Public Defender, and Kenneth Witts, Assistant Public Defender, Seventh Judicial Circuit, Daytona Beach, Florida,

for Petitioner

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