

# Supreme Court of Florida

---

No. SC95864

---

**ANTONIO M. CLARK,**  
Petitioner,

vs.

**STATE OF FLORIDA,**  
Respondent.

[June 22, 2000]

PER CURIAM.

We have for review the decision in Clark v. State, 732 So. 2d 501 (Fla. 5th DCA 1999), in which the district court affirmed the lower court's imposition of sentence pursuant to the Prison Releasee Reoffender Act, section 775.082(8), Florida Statutes (1997)(the "Act"), relying on the decision in McKnight v. State, 727 So. 2d 314 (Fla. 3d DCA 1999)), which expressly and directly conflicts with State v. Cotton, 728 So. 2d 251 (Fla. 2d DCA 1998). We have jurisdiction. See art.V, § 3(b)(3), Fla. Const.

We recently held that the Prisoner Releasee Reoffender Act does not violate separation of powers, and rejected other constitutional challenges to the Act. See State v. Cotton, SC94996 & SC95281 (Fla. June 15, 2000). Accordingly, we similarly approve the Fifth District's decision in this case.

It is so ordered.

HARDING, C.J., and SHAW, WELLS, ANSTEAD, PARIENTE and LEWIS, JJ., concur.

QUINCE, J., dissents with an opinion.

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

QUINCE, J., dissenting.

I dissent for the reasons stated in my dissent in State v. Cotton, Nos.

SC94996 & SC95281 (Fla. June 15, 2000).

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

Fifth District - Case No. 5D99-174

(Orange County)

James B. Gibson, Public Defender and Noel A. Pelella, Assistant Public Defender,  
Seventh Judicial Circuit, Daytona Beach, Florida,

for Petitioner

Robert A. Butterworth, Attorney General, Belle B. Schumann, and Kristen L. Davenport,

Assistant Attorneys General, Daytona Beach, Florida,  
for Respondent