

Supreme Court of Florida

No. SC95952

JERRY LEE GREEN,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[June 29, 2000]

PER CURIAM.

We have for review the decision in Green v. State, 733 So. 2d 1159 (Fla. 5th DCA 1999), in which the Fifth District, as did the First District in Woods v. State, 740 So. 2d 20 (Fla. 1st DCA 1999), upheld the constitutionality of the Prisoner Releasee Reoffender Act, section 775.082(8), Florida Statutes (1997)(the “Act”). We have jurisdiction. See art. V, § 3(b)(4), Fla. Const.

We recently approved the First District's decision in Woods, holding that the Act, as properly interpreted by the First District, does not violate separation of powers,

and rejecting other constitutional challenges to the Act. See State v. Cotton, Nos. SC94996 & SC95281 (Fla. June 15, 2000). Accordingly, for the reasons expressed in Cotton, we approve the decision of the Fifth District 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 of Decisions

Fifth District - Case No. 5D98-2063

(Putnam 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, and Belle B. Shumann, Kellie A. Nielan and Kristen L. Davenport, Assistant Attorneys General, Daytona Beach, Florida,

for Respondent