

Supreme Court of Florida

No. SC96308

LAMARIAN JACKSON,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[January 11, 2001]

LEWIS, J.

We have for review the decision in Jackson v. State, 744 So. 2d 466 (Fla. 1st DCA 1999), in which the First District certified the same question it had in Woods v. State, 740 So. 2d 20 (Fla. 1st DCA 1999), approved sub nom. State v. Cotton, 769 So. 2d 345 (Fla. 2000).¹ We have jurisdiction. See Art. V, § 3(b)(4), Fla. Const.

¹As framed in Woods, that question is:

DOES THE PRISON RELEASEE REOFFENDER PUNISHMENT ACT, CODIFIED AS SECTION 775.082(8), FLORIDA STATUTES (1997), VIOLATE THE SEPARATION OF POWERS CLAUSE OF THE FLORIDA CONSTITUTION?

We have recently approved the First District's decision in Woods, holding that the Prison Releasee Reoffender Act² (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, 769 So. 2d 345 (Fla. 2000). Accordingly, for the reasons expressed in Cotton, we answer the certified question in the negative and approve the First District's decision.

It is so ordered.

WELLS, C.J., and SHAW, HARDING, ANSTEAD and PARIENTE, 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, 769 So. 2d 345,
358-59 (Fla. 2000).

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

First District - Case No. 1D98-3792

²See §775.082(8)(a), Fla. Stat. (1997).

(Escambia County)

Nancy A. Daniels, Public Defender, and Jamie Spivey, Assistant Public Defender, Second Judicial Circuit, Tallahassee, Florida,

for Petitioner

Robert A. Butterworth, Attorney General, James W. Rogers, Tallahassee Bureau Chief, Criminal Appeals, and Charmaine M. Millsaps, Assistant Attorney General, Tallahassee, Florida,

for Respondent