

# Supreme Court of Florida

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No. SC96459

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**DAVID E. MOON,**  
Petitioner,

vs.

**STATE OF FLORIDA,**  
Respondent.

[July 6, 2000]

PER CURIAM.

We have for review the decision in Moon v. State, 737 So. 2d 655 (Fla. 5th DCA 1999), in which the Fifth District affirmed the decision of the trial court and certified conflict with State v. Wise, 744 So. 2d 1035 (Fla. 4th DCA 1999), and State v. Cotton, 728 So. 2d 251 (Fla. 2d DCA 1998). We have jurisdiction. See V, § 3(b)(4), 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, Nos. SC94996 & SC95281 (Fla. June 15, 2000). Accordingly, we similarly approve the Fifth District's decision in this case.

It is so ordered.

WELLS, C.J., and SHAW, HARDING, 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 - Certified Direct Conflict of Decisions

Fifth District - Case No. 5D98-2868

(Orange County)

Robert A. Butterworth, Attorney General, and Kellie A. Nielan and Kristen L. Davenport, Assistant Attorneys General, Daytona Beach, Florida,

for Petitioner

James B. Gibson, Public Defender, and Nancy Ryan, Assistant Public Defender, Seventh Judicial Circuit, Daytona Beach, Florida,

for Respondent