

# Supreme Court of Florida

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No. SC00-98

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**DAVID MYERS,**  
Petitioner,

vs.

**STATE OF FLORIDA,**  
Respondent.

[August 24, 2000]

PER CURIAM.

We have for review the decision in Myers v. State, 747 So. 2d 1049 (Fla. 5th DCA 2000), in which the Fifth District 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 art. V, § 3(b)(3), Fla. Const.

We recently approved the First District's opinion in Woods, holding that the Prisoner Releasee Reoffender 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, 25 Fla. L. Weekly S463 (Fla. June 15, 2000). Accordingly, we approve the Fifth District's decision in Myers.

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, 25 Fla. L. Weekly S463 (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. 5D99-1157

(Seminole County)

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for Petitioner

Robert A. Butterworth, Attorney General, and Kellie A. Nielan, Assistant Attorney General, Daytona Beach, Florida,

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