

Supreme Court of Florida

No. SC05-873

THE WICCAN RELIGIOUS COOPERATIVE OF FLORIDA, INC.,
Petitioner,

vs.

JIM ZINGALE, et al.,
Respondents.

[October 26, 2006]

PER CURIAM

We originally accepted jurisdiction to review the First District Court of Appeal's decision in Wiccan Religious Cooperative of Fla., Inc. v. Zingale, 898 So. 2d 134, 135 (Fla. 1st DCA 2005), based on express and direct conflict with Department of Education v. Lewis, 416 So. 2d 455 (Fla. 1982), Department of Administration v. Horne, 269 So. 2d 659 (Fla. 1972), and Paul v. Blake, 376 So. 2d 256 (Fla. 3d DCA 1979), on the issue of taxpayer standing. See art. V, § 3(b)(3), Fla. Const. After further consideration, we have determined that the First District did not address the issue of taxpayer standing and that there is no other basis for

the Court to exercise its jurisdiction. Accordingly, we conclude that jurisdiction was improvidently granted and hereby dismiss this case.

It is so ordered.

WELLS, ANSTEAD, PARIENTE, QUINCE, CANTERO, and BELL, JJ., concur.
LEWIS, C.J., dissents.

NO MOTION FOR REHEARING WILL BE ALLOWED.

An Appeal from the District Court of Appeal - Constitutional Construction

First District - Case No. 1D03-3324

(Leon County)

Heather Morcroft, Orlando, Florida

for Appellant

Charles J. Crist, Jr., Attorney General, Christopher M. Kise, Solicitor General, and James A. McKee, Deputy Solicitor General, Tallahassee, Florida,

for Appellee

Kevin W. Shaughnessy and Caroline M. Landt of Baker and Hostetler, LLP, Orlando, Florida, on behalf of the Florida Catholic, Inc., and Florida Baptist Witness, Inc.; and Mathew D. Staver, Maitland, Florida and Erik W. Stanley, Lynchberg, Virginia, on behalf of Liberty Counsel,

as Amici Curiae