

Supreme Court of Florida

No. 74,612

ROGER BENNETT, Petitioner,

v.

STATE OF FLORIDA, Respondent.

[April 26, 1990]

McDONALD, J.

In Bennett v. State, 546 So.2d 1192, 1192 (Fla. 2d DCA 1989), the district court certified the following question as being of great public interest: "Does section 893.13(1)(e), Florida Statutes (1987), violate the one subject rule of article 111, section 6 of the Florida Constitution?" We answered this question in the negative and held the statute to be constitutional in Burch v. State, no. 73,826 (Fla. Feb. 15, 1990), and, therefore, approve Bennett.

It is so ordered.

EHRlich, C.J., and OVERTON, SHAW, BARKETT, GRIMES and KOGAN, JJ.,
Concur

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF
FILED, DETERMINED.

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

Second District - Case No. 88-02633
(Polk County)

James Marion Moorman, Public Defender and Andrea Steffen,
Assistant Public Defender, Tenth Judicial Circuit, Bartow,
Florida,

for Petitioner

Robert A. Butterworth, Attorney General and David R. Gemmer,
Assistant Attorney General, Tampa, Florida,

for Respondent