

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

STATE OF FLORIDA,
Appellant,

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED.

v.

CASE NO.: 1D04-0327

IN RE: THE COMMITMENT OF
RICK L. STROUSE,

Appellee.

_____ /

Opinion filed November 23, 2004.

An appeal from the Circuit Court for Leon County.
Nikki Ann Clark, Judge.

Charles J. Crist, Jr., Attorney General and Thomas H. Duffy, Assistant Attorney
General, Tallahassee, for Appellant.

Nancy A. Daniels, Public Defender and Robert S. Friedman, Assistant Public
Defender, Tallahassee, for Appellee.

PER CURIAM.

The state appeals an order dismissing its petition for civil commitment of Rick
L. Strouse, appellee, as a sexually violent predator under the Jimmy Ryce Act, chapter
394, part V, Florida Statutes (2001). In dismissing the petition, the trial court ruled

that, because appellee had completed his sentence for the sexually violent offense and had not been serving a sentence for a sexually violent offense at the time the petition was filed, the Jimmy Ryce Act did not authorize proceedings against him. This court has recently addressed the issue raised here in State v. Sawyer, 870 So. 2d 957 (Fla. 1st DCA 2004) and State v. Mitchell, 866 So. 2d 776 (Fla. 1st DCA 2004). We reverse on the authority of Mitchell and Sawyer. As we did in Mitchell and Sawyer, we certify the following question as one of great public importance:

DOES THE [JIMMY] RYCE ACT REQUIRE THAT THE
CURRENT INCARCERATION BE FOR A SEXUALLY
VIOLENT OFFENSE?

WOLF, C.J., BENTON AND VAN NORTWICK, JJ., CONCUR.