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IN THE SUPREME COURT OF FLORIDA

FILED
OCT 20 1989
CLERK OF THE SUPREME COURT
By _____
Deputy Clerk

ARTIS RYNARD LEWIS,)
)
Petitioner,)
)
vs.)
)
STATE OF FLORIDA,)
)
Respondent.)

Case No. 74,364

DISCRETIONARY REVIEW OF DECISION OF THE
DISTRICT COURT OF APPEAL OF FLORIDA
SECOND DISTRICT

INITIAL BRIEF OF RESPONDENT ON THE MERITS

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COUNSELS FOR RESPONDENT

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SUMMARY OF THE ARGUMENT

As propounded in the Answer Brief of Respondent on the Merits in Blankenship v. State, No. **74,176** (review pending; brief attached herein as an Appendix), Chapter **87-243**, Laws of Florida, was not enacted in violation of the single subject rule of Article 111, Section 6 of the Florida Constitution. Although this enactment is broad and comprehensive, it satisfies the prevailing tests in that the provisions of the enactment have a natural and logical connection, are fairly and naturally germane to the subject, or are necessary incidents to the objects and purposes of the enactment.

Additionally, any single subject infirmity arising from the enactment of Chapter **87-243** has been cured by passage of Chapter **89-64**, Laws of Florida, adopting and re-enacting the statutory sections passed by the **1987** Legislature. Thus, Section **893.13**, Florida Statutes (**1987**), as amended by Chapter **87-243**, is constitutional.

ARGUMENT

ISSUE

THE TRIAL COURT CORRECTLY HELD THAT
CHAPTER 87-243, LAWS OF FLORIDA DOES
NOT VIOLATE THE SINGLE SUBJECT RULE.

For purposes of brevity and clarity, Respondent hereby adopts and incorporates the Answer Brief of Respondent on the Merits submitted in the case of Blankenship v. State, (review pending, No. 74,176); Oral Argument scheduled January 8, 1990), attached as an Appendix. In Blankenship v. State, 545 So.2d 908 (Fla. 2d DCA 1989), the Second District held that Chapter 87-243, Laws of Florida, known as the "Crime Prevention and Control Act", did not violate the one subject requirement of Article 111, Section 6 of the Florida Constitution, and is thus constitutional. See, Bennett v. State, 546 So.2d 1192 (Fla. 2d DCA August 4, 1989). The Second District agreed with the Fourth District's earlier holding in State v. Burch, 545 So.2d 279 (Fla. 4th DCA 1989) that the different targets of the Act were naturally and logically connected, and it is within the legislature's prerogative to include a broad range of topics in the Act. Burch v. State, No. 73,826 (Fla., Oral Argument heard on September 7, 1989) is also pending before this Honorable Court. The First and Fifth Districts have since joined the other two districts in upholding the constitutionality of Section 893.13, Florida Statutes (1987) as amended by the enactment of Chapter 87-243. Dame v. State, 547 So.2d 1038 (Fla. 1st DCA 1989); Leonardi v. State, 14 F.L.W. 1559 (Fla. 5th DCA June 29, 1989).

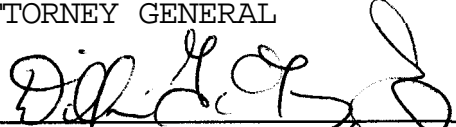
Respondent would note additionally that any single subject infirmity arising from the enactment of Chapter 87-243 has been cured by the 1989 Florida Legislature's passage of Chapter 89-64, Laws of Florida, adopting and re-enacting the statutory sections passed by the 1987 Legislature. See, State v. Combs, 388 So.2d 1029 (Fla. 1980); Santos v. State, 380 So. 2d 1284 (Fla. 1980); Loxahatchee River Environmental Control District v. School Board of Palm Beach County, 515 So.2d 217 (Fla. 1987).

CONCLUSION

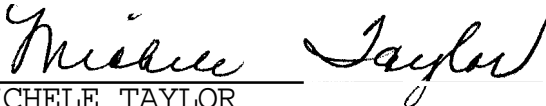
WHEREFORE Respondent, the State of Florida, respectfully submits that this Honorable Court must approve the decision of the Second District Court of Appeal upholding the constitutionality of section 893.13, Florida Statutes (1987).

Respectfully submitted,

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COUNSELS FOR RESPONDENT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U. S. Mail to ANDREA STEFFEN, Assistant Public Defender, Polk County Courthouse, P.O. Box 9000 - Drawer PD, Bartow, Florida 33830 this 26th day of October, 1989.





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