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By _____
Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA

CASE NO. 80,666

ELISAMES HARRIS,

Petitioner,

vs.

THE STATE OF FLORIDA,

Respondent.

ON DISCRETIONARY REVIEW FROM THE DISTRICT
COURT OF APPEAL FOR THE THIRD DISTRICT, STATE OF FLORIDA

BRIEF OF RESPONDENT

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INTRODUCTION

The STATE OF FLORIDA was the prosecution in the trial court and ELISAMES HARRIS was the Defendant. The parties shall be referred to as they stood in the trial court.

The State of Florida was the appellee in the District Court of Appeal, Third District and ELISAMES HARRIS was the appellant.

STATEMENT OF THE CASE AND FACTS

The Defendant was charged with armed robbery, robbery with force and grand theft to which he pled no contest, in the Circuit Court of the Eleventh Judicial Circuit, Dade County, Florida. The Defendant was convicted and sentenced pursuant to the Habitual Felony Offender Statute upon the trial court's finding that he qualified for the enhanced status.

The Defendant filed a motion for post conviction relief pursuant to Fla. R. Crim. P. Rule 3.850 alleging that the Habitual Felony Offender Statute, Section 775.084, violated the single subject rule of the constitution of Florida, Article 111, section 6, and as a result thereof, his petition for relief should be granted. The trial court denied the Defendant's Rule 3.850 motion and the Defendant timely filed a notice of appeal in the Third District Court of Appeal.

The Third District Court of Appeal issued it's opinion affirming the decision of the trial court based upon Beaubrum v. State, 595 So. 2d 254 (Fla. 3d DCA 1992); Ingram v. State, 595 So. 2d 785 (Fla. 4th DCA 1992); Tims v. State, 592 So. 2d 741, 742 (Fla. 1st DCA 1992), holding that section 775.084 was not in violation of the single subject rule of Article 111, section 6, Florida Constitution.

This petition for Discretionary Review followed.

POINT ON APPEAL

WHETHER SECTION 775.084 (AMENDED 1989)
FLORIDA STATUTES VIOLATES THE SINGLE SUBJECT
RULE OF THE FLORIDA CONSTITUTION?

SUMMARY OF THE ARGUMENT

This Court's decision in Johnson v. State, Nos. 79,150 & 79,204 (Fla. January 14, 1993), answered in the affirmative the question in this cause, whether section 775.084 Florida Statutes (amended 1989) violates the single subject rule of the Florida Constitution.

Resolution of this issue, however, does not affect the Defendant's sentence because the resentencing requirement is applicable only to those defendants affected by the amendments to section 775.084 contained in chapter 89-280.

ARGUMENT

SECTION 775.084 (AMENDED 1989) FLORIDA
STATUTES VIOLATES THE SINGLE SUBJECT RULE OF
THE FLORIDA CONSTITUTION.

On January 14, 1993, this Court answered the above question in the affirmative, holding that "chapter 89-280 violates article 111, section 6, of the Florida Constitution." Johnson v. State, Nos. 79,150 & 79,204 (Fla. January 14, 1993). This Court further concluded that "chapter 91-44's biennial reenactment of chapter 89-280, effective May 2, 1991, cured the single subject violation as it applied to all defendants sentenced under section 775.084 after that date." This Court defined the window period of the effective violation of the single subject rule to be from October 1, 1989 to May 2, 1991, and stated that the resentencing requirement will apply only to those defendants affected by the amendments to section 775.084 contained in chapter 89-280. For this reason the decision in Johnson does not apply in the instant case.

First, the Defendant in the instant case pled nolo contendere to a term of years as an habitual offender on the following charges: (1) strong armed robbery in case no. 90-41212 committed August 29, 1990; (2) robbery with a weapon in case no. 90-39359 committed September 13, 1990; and (3) grand theft in case no. 90-42332 committed November 13, 1990. The dates on

which the offenses were committed, do, indeed, fall within the prescribed time period. However, in contrast to the issue in Johnson where the addition of the aggravated battery conviction category, a portion of the amended statute, enhanced Johnson's sentence, the Defendant's sentence was not affected by the amendment.

The Defendant sub judice was determined to qualify as a habitual felony offender and was sentenced under section 775.084 because of several prior felony convictions, including robbery by force, attempted robbery with a firearm, and burglary of a structure. None of the prior conviction categories nor any of the procedural requirements under which he was habitualized were altered by the amendments to the statute contained in chapter 89-280. Therefore, in accordance with this Court's decision in Johnson, the resentencing requirement does not apply and the appropriate disposition of this case would be to affirm the judgment and sentence of the lower court.

Secondly, the Defendant clearly waived his right to appeal his sentence by his affirmative and intelligent acceptance of the plea offer. See Basilisco v. State, 593 So. 2d 588, 589 (Fla. 1st DCA 1992) citing Caristi v. State, 578 So. 2d 769, 774 (Fla. 1st DCA 1991), (a defendant's knowing waiver of the procedural rights accorded by section 775.084 [by entering into a plea agreement with knowledge that he was to be sentenced as an

habitual felony offender] precludes any relief from the trial court's failure to strictly follow the statute.)

During his plea colloquy the Defendant was informed by the trial court that the maximum statutory time for robbery with a weapon was 30 years, for strong armed robbery was 15 years, and for grand theft was 5 years. After determining that the Defendant was knowingly and intelligently entering into the plea bargain, the trial court sentenced him as an habitual felony offender to 30 years each on the robbery with a weapon and the strong armed robbery and to 5 years on the grand theft, to be served consecutively for a total of 65 years. Additionally, the trial court, as part of the plea bargain, gave the Defendant a two-week furlough to visit his dying sister on the express condition that, if he reported and surrendered himself at the end of the furlough, February 14, 1991, the trial court would mitigate the 30 year sentences to 12 years each to be served concurrently in State prison as an habitual felony offender. The Defendant was informed that if he did not meet that express condition, the 65 year sentence would stand. The Defendant did not meet that express condition, and the trial court imposed the 65 year sentence. On February 24, 1992, the Hon. Gerald Hubbart in a hearing on the Defendant's Rule 3.850 motion to vacate judgment and sentence, granted the motion as to the strong armed robbery, reducing the sentence from 30 to 15 years and denied the motion as to the charges of robbery with a weapon and grand

theft. The Defendant's corrected sentence stands at 50 years as an habitual felony offender. Clearly, the Defendant's acceptance of a plea to a specific term of imprisonment waives any challenge to the habitual felony offender statute.

The Defendant further argues in his petition that Section 775.084 is facially unconstitutional because it penalizes defendants for their status as habitual offenders. However, the guarantee of equal protection is not violated when prosecutors are given the discretion by law to "habitualize" only some of those criminals who are eligible, even though their discretion is not bound by statute. Mere selective, discretionary application of a statute is permissible. Only a contention that persons within the habitual offender class are being selected according to some unjustifiable standard such as race, religion or other arbitrary classification would raise a potentially viable challenge. Barber v. State, 564 So. 2d 1169 (Fla. 1st DCA 1990).

The Defendant also asserts that Section 775.084 violates his due process rights because it only makes exceptions for convictions which have been set aside or pardoned. It is apparent that the legislature intended to enact this law in the belief that increased sentences for repeat offenders will deter their criminal conduct, at least during the time that they are incarcerated. There can be no question that enhanced punishment of repeat felons is a legitimate goal within the State's police

power. A state "may inflict a deserved penalty merely to vindicate the law or deter or reform the offender or for all of these purposes."¹ This final challenge to the habitual offender statute should be rejected. U.S.C.A. Const. Amend. 14; Barber v. State, 564 So. 2d 1169 (Fla. 1st DCA 1990); Showers v. State, 570 So. 2d 377 (Fla. 1st DCA 1990).

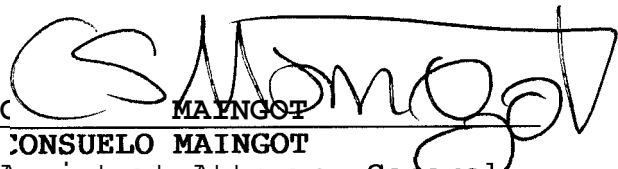
¹ Pennsylvania ex rel. Sullivan v. Ashe, 302 U.S. 51, 55, 58, S.Ct. 59, 61, 82 L.Ed. 43, 46 (1937).

CONCLUSION

For the foregoing argument and authority the State of Florida respectfully requests this Court to affirm the judgment and sentence of the lower court on the basis that the resentencing requirements do not apply in the instant case.

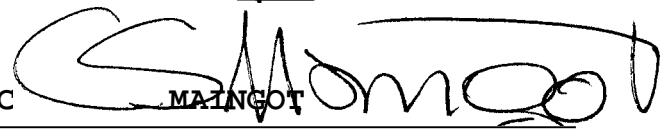
Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **BRIEF OF RESPONDENT** was furnished by mail to **ELISAMES HARRIS**, DC# 076491, Desoto Correctional Institution, Post Office Drawer 1072, Arcadia, Florida 33821 on this 15 day of January, 1993.


c MAINGOT
Assistant Attorney General

/blm

IN THE SUPREME COURT OF FLORIDA

CASE NO. 80,666

ELISAMES HARRIS,

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vs .

APPENDIX

THE STATE OF FLORIDA,

Respondent.

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App. A Chapter 89-280, Laws of Florida

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A water management district, upon entering into such interagency agreement with the Department of Natural Resources shall provide notice of such action by publication in a newspaper having general circulation in the affected area.

Section 42. This act shall take effect July 1, 1989.

Approved by the Governor July 5, 1989.

Filed in Office Secretary of State July 5, 1989.

CHAPTER 89-280

Senate Bill No. 582

An act relating to criminal law and procedure; amending s. 775.084, F.S.; providing that prior convictions for qualified offenses outside of the state may be used to determine if a defendant is a habitual felony offender; expanding the definition of qualified offense for purposes of habitual felony offender; adding aggravated battery to the list of previous convictions for which habitual violent felony offender penalties may be imposed; amending s. 775.0842, F.S.; providing for career criminal prosecution of arrestees who qualify as habitual felony offenders or habitual violent felony offenders, and reenacting s. 775.0843(1) and (5), F.S., relating to policies for career criminal cases, to incorporate said amendment in references; amending s. 493.30, F.S.; defining the term "repossession"; amending s. 493.306, F.S.; limiting the number of repossession interns a repossessioner may supervise; amending s. 493.317, F.S.; revising prohibited acts; creating s. 493.3175, F.S.; providing procedures for the sale of repossessed property; providing a penalty; amending s. 493.318, F.S.; providing procedures for the disposition of certain recovered property not covered by a security agreement; amending s. 493.321, F.S.; providing penalties; requiring certain information to be displayed on certain vehicles; providing for review and repeal; amending s. 901.15, F.S.; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 775.084, Florida Statutes, 1988 Supplement, is amended to read:

775.084 Habitual felony offenders and habitual violent felony offenders; extended terms; definitions; procedure; penalties.—

(1) As used in this act:

(a) "Habitual felony offender" means a defendant for whom the court may impose an extended term of imprisonment, as provided in this section, if it finds that:

1. The defendant has previously been convicted of any combination of two or more felonies in this state or other qualified offenses;

2. The felony for which the defendant is to be sentenced was committed within 5 years of the date of the conviction of the last prior felony or other qualified of-

fense of which he was convicted, or parole or otherwise, from a period of confinement as a result of a prior conviction for

3. The defendant has no offense that is necessary for

4. A conviction of a felony of this section has not been

(b) "Habitual violent felony" means a felony for which the court may impose an extended term of imprisonment if it finds that:

1. The defendant has previously been convicted of a conspiracy to commit a felony

a. Arson,

b. Sexual battery,

c. Robbery,

d. Kidnapping,

e. Aggravated child abuse

f. Aggravated assault,

g. Murder,

h. Manslaughter,

i. Unlawful throwing, placing or

j. Armed burglary, or

k. Aggravated battery;

2. The felony for which the defendant was convicted was committed within 5 years of the date of the conviction, or 5 years of the defendant's release from confinement, or other commitment imposed for the felony, whichever is later;

3. The defendant has not been previously convicted of a crime that is necessary for the

4. A conviction of a crime for which the defendant has been set aside in any post-con-

(c) "Qualified offense" means a felony for which the court may impose an extended term of imprisonment and penalties to an offense in any jurisdiction, whether that of a United States or any possession, territory, or other area under the jurisdiction of the United States, that was punishable under the law of that jurisdiction at the time of its commission by the defendant for a period of not less than 1 year.

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fense of which he was convicted, or within 5 years of the defendant's release, on parole or otherwise, from a prison sentence or other commitment imposed as a result of a prior conviction for a felony or other qualified offense, whichever is later;

3. The defendant has not received a pardon for any felony or other qualified offense that is necessary for the operation of this section; and

4. A conviction of a felony or other qualified offense necessary to the operation of this section has not been set aside in any post-conviction proceeding.

(b) "Habitual violent felony offender" means a defendant for whom the court may impose an extended term of imprisonment, as provided in this section, if it finds that:

1. The defendant has previously been convicted of a felony or an attempt or conspiracy to commit a felony and one or more of such convictions was for:

- a. Arson,
- b. Sexual battery,
- c. Robbery,
- d. Kidnapping,
- e. Aggravated child abuse,
- f. Aggravated assault,
- g. Murder,
- h. Manlaughter,
- i. Unlawful throwing, placing, or discharging of a destructive device or bomb,
- or
- j. Armed burglary, or
- k. Aggravated battery.

2. The felony for which the defendant is to be sentenced was committed within 5 years of the date of the conviction of the last prior enumerated felony or within 5 years of the defendant's release, on parole or otherwise, from a prison sentence or other commitment imposed as a result of a prior conviction for an enumerated felony, whichever is later;

3. The defendant has not received a pardon on the ground of innocence for any crime that is necessary for the operation of this section; and

4. A conviction of a crime necessary to the operation of this section has not been set aside in any post-conviction proceeding.

(c) "Qualified offense" means any offense, substantially similar in elements and penalties to an offense in this state, which is in violation of a law of any other jurisdiction, whether that of another state, the District of Columbia, or of the United States or any possession or territory thereof, or any foreign jurisdiction, that was punishable under the law of such jurisdiction state or the United States at the time of its commission by the defendant by death or imprisonment exceeding 1 year.

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(2) For the purposes of this section, the placing of a person on probation without an adjudication of guilt shall be treated as a prior conviction if the subsequent offense for which he is to be sentenced was committed during such probationary period.

(3) In a separate proceeding, the court shall determine if the defendant is a habitual felony offender or a habitual violent felony offender. The procedure shall be as follows:

(a) The court shall obtain and consider a presentence investigation prior to the imposition of a sentence as a habitual felony offender or a habitual violent felony offender.

(b) Written notice shall be served on the defendant and his attorney a sufficient time prior to the entry of a plea or prior to the imposition of sentence so as to allow the preparation of a submission on behalf of the defendant.

(c) Except as provided in paragraph (a), all evidence presented shall be presented in open court with full rights of confrontation, cross-examination, and representation by counsel.

(d) Each of the findings required as the basis for such sentence shall be found to exist by a preponderance of the evidence and shall be appealable to the extent normally applicable to similar findings.

(e) For the purpose of identification of a habitual felony offender or a habitual violent felony offender, the court shall fingerprint the defendant pursuant to s. 921.241.

(4)(a) The court, in conformity with the procedure established in subsection (3), shall sentence the habitual felony offender as follows:

1. In the case of a felony of the first degree, for life.
2. In the case of a felony of the second degree, for a term of years not exceeding 80.
3. In the case of a felony of the third degree, for a term of years not exceeding 10.

(b) The court, in conformity with the procedure established in subsection (3), may sentence the habitual violent felony offender as follows:

1. In the case of a felony of the first degree, for life, and such offender shall not be eligible for release for 15 years.
2. In the case of a felony of the second degree, for a term of years not exceeding 30, and such offenders shall not be eligible for release for 10 years.
3. In the case of a felony of the third degree, for a term of years not exceeding 10, and such offender shall not be eligible for release for 5 years.

(c) If the court decides that imposition of sentence under this section is not necessary for the protection of the public, sentence shall be imposed without regard to this section. At any time when it appears to the court that the defendant is a habitual felony offender or a habitual violent felony offender, the court shall make that determination as provided in subsection (3).

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(d) A sentence imposed in this position.

(e) A sentence imposed under s. 921.001. The provision of a defendant sentenced under the Department of Corrections 20 days of incentive gain-t

Section 2. Section 775.0 read:

775.0842 Persons subject to or prison superintendent

(1)(a) A person who is convicted of a conspiracy to commit an offense or prosecution efforts provided by the Department of Corrections or a habitual violent offender convicted of two or more offenses

(b) As used in this section, a conviction of a felony in this jurisdiction when:

1. A sentence to a term of years or a term of life or death could have been imposed

2. The offender was committed or was transferred to a correctional institution or a similar institution

3. The defendant was convicted of a felony or other offense which qualified the offender for the commission of the present offense

4. The defendant has been convicted of a felony or other offense which qualified the offender for the commission of the present offense

5. A conviction of a felony in this section has not been obtained

(2) Whenever it shall be determined that any probation, parole, or other sentence imposed on a defendant convicted of a felony has been terminated under paragraph (1)(b), this fact shall be reported to the judicial circuit in which the conviction occurred

Section 3. For the purpose of this section, Florida Statutes, sections 775.0842, 775.0843, and (5) of section 775.0843 shall read:

775.0843 Policies to be followed

(1) Criminal justice agency management and prosecutive

(d) A sentence imposed under this section shall not be increased after such imposition.

(e) A sentence imposed under this section shall not be subject to the provisions of s. 921.001. The provisions of chapter 947 shall not be applied to such person. A defendant sentenced under this section shall not be eligible for gain-time granted by the Department of Corrections except that the department may grant up to 20 days of incentive gain-time each month as provided for in s. 944.275(4)(b).

Section 2. Section 775.0842, Florida Statutes, 1988 Supplement, is amended to read:

775.0842 Persons subject to career criminal prosecution efforts; ~~duties of officers or prison superintendent.~~

(1)(a) A person who is under arrest for the commission, attempted commission, or conspiracy to commit any felony in this state shall be the subject of career criminal prosecution efforts provided that such person qualifies as a habitual felony offender or a habitual violent felony offender under s. 775.084 ~~has previously been convicted of two or more felonies as outlined in section 775.084(1).~~

(b) ~~As used in this section and ss. 775.0841 and 775.0843, a previous felony conviction is a conviction of a felony in this state or a conviction of a crime in any other jurisdiction when:~~

~~1. A sentence to a term of imprisonment of 1 year or more or a sentence of death could have been imposed therefor.~~

~~2. The offender was over the age of 16 years at the time the offense was committed or was transferred for adult criminal prosecution pursuant to section 39.06(8) or any similar statute in another jurisdiction.~~

~~3. The defendant was imprisoned on at least one occasion for conviction of a felony or other qualified offense necessary for the operation of this section prior to commission of the present felony.~~

~~4. The defendant has not received a pardon on the ground of innocence for any felony or other qualified offense that is necessary for the operation of this section.~~

~~5. A conviction of a felony or other qualified offense necessary to the operation of this section has not been set aside in any post-conviction proceeding.~~

(2) ~~Whenever it shall become known to any superintendent of a prison or to any probation, parole, or law enforcement officer that any person charged with or convicted of a felony has been convicted once previously within the meaning of paragraph (1)(b), this fact shall immediately be reported to the state attorney of the judicial circuit in which the charge lies or the conviction occurred.~~

Section 3. For the purpose of incorporating the amendment to section 775.0842, Florida Statutes, 1988 Supplement, in references thereto, subsections (1) and (5) of section 775.0843, Florida Statutes, 1988 Supplement, are reenacted to read:

775.0843 Policies to be adopted for career criminal cases.—

(1) Criminal justice agencies within this state shall employ enhanced law enforcement management efforts and resources for the investigation, apprehension, and prosecution of career criminals. Each state attorney, sheriff, and the police

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chief of each municipality with a population in excess of 50,000 shall designate a career criminal program coordinator with primary responsibility for coordinating the efforts contemplated by this section and ss. 775.0841 and 775.0842. Enhanced law enforcement efforts and resources shall include, but not be limited to:

(a) Assignment of highly qualified investigators and prosecutors to career criminal cases.

(b) Significant reduction of caseloads for investigators and prosecutors assigned to career criminal cases.

(c) Coordination with federal, state, and local criminal justice agencies to facilitate the collection and dissemination of criminal investigative and intelligence information relating to those persons meeting the criteria of a career criminal.

(5) Each career criminal apprehension program shall concentrate on the identification and arrest of career criminals and the support of subsequent prosecution of such career criminals. The determination of which suspected felony offenders shall be the subject of career criminal apprehension efforts shall be made in accordance with written target selection criteria selected by the individual law enforcement agency and state attorney consistent with the provisions of this section and s. 775.0842.

Section 4. Subsection (16) is added to section 493.30, Florida Statutes, to read:

493.30 Definitions, part I.—As used in this act:

(16) "Repossession" is the legal recovery of a motor vehicle or motorboat as authorized by the legal owner, lienholder, or lessor to recover, or to collect money payment in lieu of recovery of, that which has been sold or leased under a security agreement that contains a repossession clause. A repossession is complete when a licensed reposessor is in control, custody, and possession of such motor vehicle or motorboat.

Section 5. Subsection (6) of section 493.306, Florida Statutes, is amended to read:

493.306 License requirements.—

(6) In addition to any other requirements, an applicant for a Class "E" license must have 1 year of work experience performing repossessing, 1 year as a Class "EE" reposessor intern, or a combination of 1 year of work experience and internship. A Class "E" reposessor may not supervise more than six Class "EE" repossessor interns at one time.

Section 6. Subsections (7) and (8) are added to section 493.317, Florida Statutes, to read:

493.317 Prohibited acts by Class "E" and Class "EE" licensees.—In addition to other requirements imposed by this part or by rule of the department, reposessor licensees and reposessor interns are prohibited from:

(7) FAILING TO REMIT MONEYS.—Failing to remit moneys collected in lieu of repossession to a client within 10 working days.

(8) FAILING TO DELIVER NEGOTIABLE INSTRUMENT.—Failing to deliver to a client a negotiable instrument which is payable to the client, within 10 working days after receipt of such instrument.

Section 7. Section 493.317

493.3175 Sale of property

(1) A licensee must have to sell repossessed property f

(2) A licensee must send t to the owner or lienholder, w documents which permit the

(3) A person who violates third degree, punishable as p

Section 8. Subsection (2) read:

493.318 Repossessor requ

(2) Within 5 working day give written notification to f repossession of the whereab pursuant to this section. At l or other property, the repo owner or lessee of the intent to the person who controlled erty contained within the r notification.

Section 9. Section 493.3

493.321 Violation; pena

(1) Except as provided of this part is guilty of a mi in s. 775.082, s. 775.083, or

(2) Any person who is c ble for licensure for a peric

Section 10. Vehicles use or "EE" licensee shall be ic the licensee. The license n shall appear in lettering n the background.

Section 11. Each sectic this act is repealed on Oct pursuant to section 11.61,

Section 12. This act sh fenses committed on or aft

Approved by the Govern

Filed in Office Secretary

Section 7. Section 493.3175, Florida Statutes, is created to read:

493.3175 Sale of property by a licensee; penalty.—

(1) A licensee must have written authorization from the owner or lienholder to sell repossessed property for which the licensee has a negotiable title.

(2) A licensee must send the net proceeds from the sale of repossessed property to the owner or lienholder, within 20 working days after the licensee executes the documents which permit the transfer of legal ownership to the purchaser.

(3) A person who violates a provision of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 8. Subsection (2) of section 493.318, Florida Statutes, is amended to read:

493.318 Repossessor required to prepare and maintain inventory.—

(2) Within 5 working days after the date of a repossession, the reposessor shall give written notification to the registered owner or lessee of the property prior to repossession of the whereabouts of personal effects or other property inventoried pursuant to this section. At least 20 days prior to disposing of such personal effects or other property, the reposessor must, by certified mail, notify the registered owner or lessee of the intent to dispose of said property. Upon written notification to the person who controlled the property prior to repossession, the personal property contained within the repossessed property may be disposed of 10 days after notification.

Section 9. Section 493.321, Florida Statutes, is amended to read:

493.321 Violation; penalty.—

(1) Except as provided in s. 493.3175, any person who violates any provision of this part is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any person who is convicted of any violation of this part shall not be eligible for licensure for a period of 5 years.

Section 10. Vehicles used solely for the purpose of repossession by a Class "E" or "EE" licensee shall be identified during repossession by the license number of the licensee. The license number shall be displayed on the side of the vehicle and shall appear in lettering no less than 4 inches tall and in contrasting colors from the background.

Section 11. Each section which is added to chapter 493, Florida Statutes, by this act is repealed on October 1, 1990, and shall be reviewed by the Legislature pursuant to section 11.61, Florida Statutes.

Section 12. This act shall take effect October 1, 1989, and shall apply to offenses committed on or after the effective date.

Approved by the Governor July 5, 1989.

Filed in Office Secretary of State July 5, 1989.

1637