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FILED
SID J. WHITE
JUL 19 1993
CLERK, SUPREME COURT
By _____
Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA

MICHAEL EDENFIELD,

Petitioner,

v.

CASE NO. 81-889

STATE OF FLORIDA,

Respondent.

_____ /

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

BRIEF OF RESPONDENT ON JURISDICTION

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SUMMARY OF THE ARGUMENT

Conflict exists between the decisions of the Second District Court of Appeal and other districts in this state. This honorable court should accept jurisdiction.

ARGUMENT

ISSUE I

WHETHER THERE EXISTS A DIRECT CONFLICT OF
DECISIONS AS TO THE EFFECTIVE DATE OF SECTION
948.06(6), FLORIDA STATUTES.

Appellant correctly notes the issue in the instant case as whether the trial court had authority to deny Mr. Edenfield's credit for two and one-half (2½) years time served based upon the effective date of Section 948.06(6), Florida Statutes (1989), as of October 1, 1989.

In 1989, the Legislature enacted Chapters 89-526, Section 8, and 89-531, Section 13, Laws of Florida. Both sections purported to enact amendments to Section 948.06(6), Florida Statutes. However, a discrepancy appears as to the effective date of the amended Section 6. Chapter 89-526 provides for an effect date of September 1, 1990 applicable as to Sections 1 through 9 of that Chapter. Chapter 89-531 delineates an effective date of October 1, 1989, applicable to all offenses applicable to all offenses committed on or after that date.

In Bradley v. State, 616 So. 2d 1156 (Fla. 2d DCA 1993), the second district court of appeals certified conflict with Thomas v. State, 605 So. 2d 1286 (Fla. 4th DCA 1992), as to the effective date of Section 948.06(6), Florida Statutes (1989). In Bradley, the Second District Court of Appeal interpreted the amendments to Section 948.06(6) as having an effective date of October 1, 1989. In Thomas, the Fourth District Court of Appeal


interpreted the amendments to Section 948.06(6) as having an effective date of September 1, 1990. Because a direct and express conflict exists, this court should accept jurisdiction and resolve the intradistrict dispute.

CONCLUSION

WHEREFORE, based upon the foregoing facts, arguments and authorities, this court should accept jurisdiction.

Respectfully submitted,


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to Karen K. Purdy, Assistant Public Defender, P. O. Box 9000--Drawer PD, Bartow, Florida 33830, on this 15^o day of July, 1993.



COUNSEL FOR RESPONDENT