

Supreme Court of Florida

No. SC92937

STATE OF FLORIDA ,
Appellant,

vs.

JOHN EDWARD MORRIS,
Appellee.

[March 2, 2000]

PER CURIAM.

We have for review Morris v. State, 708 So. 2d 697 (Fla. 2d DCA 1998), in which the Second District Court of Appeal followed its prior decision in Thompson v. State, 708 So. 2d 315 (Fla. 2d DCA 1998), in holding that chapter 95-182, Laws of Florida, is unconstitutional as violative of the single subject rule contained in article III, section 6 of the Florida Constitution. We have jurisdiction. See Art. V, § 3(b)(1), Fla. Const.¹ Based on our decision in State v.

¹ We also note that the Morris Court's holding expressly and directly conflicts with the Third District Court of Appeal's decision in Higgs v. State, 695 So. 2d 872 (Fla. 3d DCA 1997).

Thompson, 25 Fla. L. Weekly S1 (Fla. Dec. 22, 1999), in which we held unconstitutional chapter 95-182, Laws of Florida, as violative of the single subject rule, we affirm the decision below and remand this cause for resentencing in accordance with the valid laws in effect on February 6, 1996, which is when Morris committed the underlying offense for which he was sentenced as a violent career criminal.² See Thompson, 25 Fla. L. Weekly at S3 (remanding for resentencing in accordance with the valid laws in effect at the time the defendant committed her offenses).

It is so ordered.

HARDING, C.J., and SHAW, ANSTEAD, PARIENTE and LEWIS, JJ., concur.
WELLS, J., dissents.

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

An Appeal from the District Court of Appeal - Statutory or Constitutional Invalidity

Second District - Case No. 2D96-03485

Robert A. Butterworth, Attorney General, James W. Rogers, Tallahassee Bureau Chief, Criminal Appeals, and Edward C. Hill, Jr., Assistant Attorney General,

² We note that Morris has standing to raise a single subject rule challenge to chapter 95-182, Laws of Florida, even assuming the window period for raising such a challenge closed on October 1, 1996, as determined by the Fourth District Court of Appeal in Salters v. State, 731 So. 2d 826, 826 (Fla. 4th DCA), review granted, No. 95,663 (Fla. Dec. 3, 1999). Further, we quash that portion of the decision below that remanded this cause for resentencing in accordance with the valid laws in effect at the time that Morris was sentenced.

Tallahassee, Florida,

for Appellant

James Marion Moorman, Public Defender, and Joanna B. Conner, Assistant Public Defender, Tenth Judicial Circuit, Bartow, Florida,

for Appellee