IN THE SUPREME COURT OF FLORIDA

NO. 96,711

LASHAWN MARTEZ CRAWFORD

Petitioner,

v.

THE STATE OF FLORIDA,

Respondent.

ON DISCRETIONARY REVIEW OF A DECISION
OF THE FIRST DISTRICT COURT OF APPEAL

BRIEF OF PETITIONER ON THE MERITS

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PRELIMINARY STATEMENT

Citations in this brief to designate the one volume record references will be "I R," followed by the relevant page number(s). Petitioner was the defendant below, and the appellant in the lower tribunal, and will be referred to as petitioner.

Pursuant to Administrative Orders of this Court, counsel certifies that this brief is printed in 12 point Courier New Font, and that a disk containing the brief in WordPerfect 6.1 is submitted herewith.

Attached hereto as an appendix is the decision of the lower tribunal, which has been reported as Crawford v. State, 24 Fla. L. Weekly D2233 (Fla. 1st DCA Sept. 22, 1999).

The same issue presented here is currently pending before this Court in Thompson v. State, 708 So. 2d 315 (Fla. 2nd DCA), *review granted* 717 So. 2d 538 (Fla. 1998); Robinson v. State, 24 Fla. L. Weekly D1960 (Fla. 1st DCA Aug. 17, 1999), *review granted* ___ So. 2d ___ (Fla. Sept. 22, 1999); and Fox v. State, 24 Fla. L. Weekly D1998 (Fla. 1st DCA Aug. 25, 1999), *review granted* ___ So. 2d ___ (Fla. Sept. 24, 1999).

STATEMENT OF THE CASE AND FACTS

By information filed in the lower court on January 27, 1997, petitioner was charged with two counts of robbery with a mask, which allegedly occurred on January 5 and 6, 1997 (I R 10-11). The state filed notice of violent career criminal sentencing on January 30, 1997 (I R 14). On April 11, 1997, petitioner entered a plea to the charges (I R 29-30).

On April 28, 1997, petitioner appeared for sentencing. He stipulated that he met the criteria as a violent career criminal (I R 148-51), based on prior judgments and sentences from Duval County for attempted second degree murder in 1991, unarmed robbery in 1990, and burglary in 1989 (I R 31-50). The parties agreed that petitioner could be sentenced to a term of years less than life (I R 165).

On April 29, 1997, petitioner was adjudicated guilty and sentenced as a violent career criminal to concurrent terms of 42 years, with credit for 113 days time served (I R 51-61; 184-85).

On May 29, 1997, a timely notice of appeal was filed (I R 73). The Public Defender of the Second Judicial Circuit was later designated to represent petitioner.

On appeal, petitioner argued that the session law which created the violent career criminal penalty was

unconstitutional. The lower tribunal disagreed, but certified conflict with Thompson v. State, *supra:*

> Crawford now argues that chapter 95-182 violates the single subject rule because it combined the creation of the career criminal sentencing scheme with civil remedies for victims of domestic violence. This argument has been rejected and chapter 95-182 found constitutional in *Higgs v. State*, 695 So. 2d 872 (Fla. 3d DCA 1997); *Hill v. State*, 24 Fla. L. Weekly 1736 (Fla. 5th DCA 1999). *Contra Thompson v. State*, 708 So. 2d 315 (Fla. 2d DCA 1998), *review granted*, 717 So. 2d 538 (Fla. 1998). We recently rejected a similar challenge to chapter 95-184, Laws of Florida. *See Trapp v. State*, 24 Fla. L. Weekly 1431 (Fla 1st DCA June 17, 1999). As in *Trapp*, all portions of the legislation in the instant case deal with remedies for acts which constitute crimes. Sections 1 through 7 of chapter 95-182, create and define the violent career criminal sentencing category and provide sentencing procedures and penalties. Sections 8 through 10 deal with civil remedies relating to domestic violence. The acts of domestic violence contained within these sections are criminal offenses. See §741.28(1), Fla. Stat. (1997). All portions of the legislation in the instant case deal with remedies for acts which constitute crimes. Thus, as in *Burch*, the overall purpose of this statute can be determined to be crime prevention.
>
> For the reasons expressed in *Trapp*, *Higgs*, and *Hill* we find the statute to be constitutional. Accordingly, we affirm the judgment and sentences, but certify conflict with *Thompson*.

Appendix.

Petitioner filed a timely Notice to Invoke Discretionary Jurisdiction of this Court, and this Court later entered an order postponing its decision on jurisdiction and directing briefing on the merits.

SUMMARY OF THE ARGUMENT

Petitioner will argue in this brief that his violent career criminal sentences are illegal, because the 1995 session law which created this penalty is unconstitutional, in violation of the single subject rule. The Second District has so held. The session law combined the creation of the career criminal sentencing scheme with civil remedies for victims of domestic violence. He is permitted to raise this issue for the first time on appeal, since it is fundamental error.

The situation is similar to that which occurred when the 1989 legislature amended the habitual violent offender statute in the same session law with statutes concerning the repossession of personal property.

Petitioner's January, 1997 crimes fall within the window period which allows this attack. The defect in the 1995 session law was not cured by the enactment of a 1996 session law for two reasons. First, the 1996 session law did not reenact the faulty 1995 session law. Second, even if it did, the 1996 session law suffers from the same constitutional infirmity.

The proper remedy is to declare the 1995 session law to be unconstitutional and to vacate the violent career criminal sentences and remand for resentencing.

ARGUMENT

THE SESSION LAW WHICH CREATED THE VIOLENT CAREER CRIMINAL PENALTY, CH. 95-182, LAWS OF FLA., IS UNCONSTITUTIONAL AS A VIOLATION OF THE SINGLE SUBJECT RULE IN ART. III, §6, FLA. CONST., AND PETITIONER'S CRIMES FALL WITHIN THE WINDOW PERIOD.

Respectfully, petitioner suggests that the opinion of the lower tribunal is incorrect. The First District held that the session law which created the violent career criminal penalty, ch. 95-182, Laws of Fla., was not unconstitutional as a violation of the single subject rule in art. III, §6, Fla. Const.

In Thompson v. State, *supra*, the court held that the session law which created the violent career criminal sentencing scheme was unconstitutional as a violation of the single subject rule, because it combined the creation of the career criminal sentencing scheme with civil remedies for victims of domestic violence:

> Sections 1 through 7 of chapter 95-182, known as the Gort Act, create and define the violent career criminal sentencing category and provide sentencing procedures and penalties. Sections 8 through 10 of chapter 95-182 deal with civil aspects of domestic violence. Section 8 creates a civil cause of action for damages for injuries inflicted in violation of a domestic violence injunction. Section 9 creates substantive and procedural rules

regulating private damages actions brought by victims of domestic abuse. Section 10 imposes procedural duties on the court clerk and the sheriff regarding the filing and enforcement of domestic violence injunctions.

* * *

Likewise, chapter 95-182 embraces criminal and civil provisions that have no "natural or logical connection." *See Johnson,* 616 So. 2d at 4 (*quoting Martinez v. Scanlan,* 582 So. 2d 1167, 1172 (Fla. 1991)). Nothing in sections 2 through 7 addresses any facet of domestic violence and, more particularly, any civil aspect of that subject. Nothing in sections 8 through 10 addresses the subject of career criminals or the sentences to be imposed upon them. It is fair to say that these two subjects "are designed to accomplish separate and dissociated objects of legislative effort." *State v. Thompson*, 120 Fla. 860, 892-93, 163 So. 270, 283 (1935). Neither did the legislature state an intent to implement comprehensive legislation to solve a crisis. *Cf. Burch v. State,* 558 So. 2d 1 (Fla. 1990) (upholding comprehensive legislation to combat stated crisis of increased crime rate). Harsh sentencing for violent career criminals and providing civil remedies for victims of domestic violence, however laudable, are nonetheless two distinct subjects. The joinder of these two subjects in one act violates article III, section 6, of the Florida Constitution; thus, we hold that chapter 95-182, Laws of Florida, is unconstitutional. In so holding, we acknowledge conflict with the Third District's opinion in *Higgs v. State,* 695

> So. 2d 872 (Fla. 3d DCA 1997). We reverse Thompson's sentences and remand for resentencing in accordance with the valid laws in effect at the time of her sentencing on May 21, 1996.

708 So. 2d at 316-17.

The situation is similar to that which occurred when the 1989 legislature amended the habitual violent offender statute in the same session law with statutes concerning the repossession of personal property. The courts held that 1989 session law violated the single subject rule. Johnson v. State, 589 So. 2d 1370 (Fla. 1st DCA 1991), *approved* 616 So. 2d 1 (Fla. 1993); Claybourne v. State, 600 So. 2d 516 (Fla. 1st DCA 1992), *approved* 616 So. 2d 5 (Fla. 1993); and Garrison v. State, 607 So. 2d 473 (Fla. 1st DCA 1992), *approved* 616 So. 2d 993 (Fla. 1993).

The "window" period for attacks on the session law exists from October 1, 1995, to May 24, 1997. Thompson, *supra*, 708 So. 2d at 317, note 1. Petitioner's January, 1997 crimes fall within the window period. This Court must approve the Thompson window period and declare the session law unconstitutional.

In Salters v. State, 731 So. 2d 826 (Fla. 4th DCA 1999), and Bortel v. State, 24 Fla. L. Weekly D2259 (Fla. 4th DCA Sept. 29, 1999), the Fourth District Court of Appeal disagreed with the Thompson court as to the parameters of the window period. The

Fourth District incorrectly concluded that the window closed on October 1, 1996, the effective date of ch. 96-388, Laws of Fla.

While it is true that §44 of ch. 96-388 contains a slightly amended version of the violent career criminal statute, it is not a biennial adoption of the Florida Statutes in an odd-numbered year, which would cure the one subject violation. *See* Brewer v. Gray, 86 So. 2d 799 (Fla. 1956); and Rodriguez v. Jones, 64 So. 2d 278 (Fla. 1953). Nor is it a comprehensive enactment of a new criminal code, which would also cure the one subject violation.

Moreover, even if ch. 96-388 is viewed as a biennial adoption, it is equally unconstitutional as a violation of the single subject rule.

This Court stated the purpose of the single subject rule in Santos v. State, 380 So. 2d 1284, 1285 (Fla. 1980):

> The purpose of the requirement that each law embrace only one subject and matter properly connected with it is to prevent subterfuge, surprise, "hodge-podge" and log rolling in legislation.

See also Brown v. Firestone, 382 So. 2d 654, 663 (Fla. 1980); State v. Lee, 356 So. 2d 276, 282 (Fla. 1978); and Williams v. State, 459 So. 2d 319 (Fla. 5th DCA), *appeal dism.* 458 So. 2d 274 (Fla. 1984). Where legislation violates the single subject rule the courts must strike it down.

This Court has stated, regarding the single subject rule:

> [W]ide latitude must be afforded the Legislature in the enactment of laws, and this Court will strike down a statute only when there is a plain violation of the constitutional requirement that each enactment be limited to a single subject which is briefly expressed in the title.

State v. Lee, *supra*, 356 So. 2d at 282. A bill's subject may be broad as long as there is a "natural and logical connection" among the matters contained within. *Id.*

But the "wide latitude" standard does not place legislation beyond review. Courts must balance a deference due to legislative branch with the duty to protect the state constitution and proper governmental process. There are, therefore, definite limits to how broad a scenario the legislature may envision when passing multiple matters and subjects under the title and vote of one bill. For example, in Colonial Investments Co. v. Nolan, 131 So. 2d 178 (Fla. 1930), provisions requiring a sworn tax return and a provision prohibiting deed recording without stating the grantor's address were held to be independent and unrelated to satisfy the constitutional requirement. Similarly, the prohibition of the manufacture and trafficking of liquor and a provision criminalizing voluntary intoxication failed the one subject rule

in Albritton v. State, 82 Fla. 20, 89 So. 360 (1921).

Ch. 82-150, Laws of Fla., is another example of a law which violated the single subject rule. It contained four subsections, which can be summarized as follows:

> 1. Created the new crime of "prohibiting the obstruction of justice by false information."
>
> 2. Challenge membership rules for the Florida Council on Criminal Justice.
>
> 3. Repealed certain sections of the Florida Council on Criminal Justice.
>
> 4. Provide an effective date for the bill.

This legislation was found violative of the one subject rule. The Fifth District in Williams v. State, *supra*, 459 So. 2d at 321, explained:

> The bill in question in this case is not a comprehensive law or code type of statute. It is very simply a law that contains two different subjects or matters. One section creates a new crime and the other section amends the operation and membership of the Florida Criminal Justice Council. **The general object of both may be to improve the criminal justice system, but that does not make them both related to the same subject matter.** (Emphasis added).

In Bunnell v. State, 453 So. 2d 808, 809 (Fla. 1984), this Court agreed:

> We recognize the applicability of the rule that legislative acts are presumed to be constitutional and that courts should resolve

> every reasonable doubt in favor of constitutionality. Nevertheless, it is our view that the subject of section 1 has no cogent relationship with the subject of sections 2 and 3 and that the object of section 1 is separate and disassociated from the object of sections 2 and 3. We hold that section 1 of 82-150 was enacted in violation of the one subject provision of article III, section 6, Florida Constitution. [Citations omitted].

These cases establish the following principles:

1) Provisions in the statute will be considered as covering a single subject if they have a cogent, logical, or natural connection or relation to each other.

2) The legislature will be given some latitude to enact a broad statute, provided that statute is intended to be a comprehensive approach to a complex and difficult problem that is currently troubling a large portion of the citizenry.

3) However, separate subjects cannot be artificially connected by the use of broad labels like “the criminal justice system” or “crime control.”

Based upon these principles, ch. 96-388, Laws of Fla., is unconstitutional. It is loosely titled “Public Safety.” Its 74 sections run the gamut from implementing a continuous revision cycle for the criminal code to coordinating information systems resources to enacting the “Street Gang Prevention Act of 1996” to

enacting the “Jimmy Ryce Act” relating to sexual predators as well as redefining various crimes and attendant punishments. The 74 sections of ch. 96-388 may be briefly summarized as follows:

> Section 1 -- creates a new Section 775.0121, which requires the legislature to revise and update the Florida criminal statutes on a regular basis.
>
> Section 2 -- amends Section 187.201, which deals with the "State Comprehensive Plan" for the criminal justice system.
>
> Section 3 -- amends Section 943.06 regarding the membership of the "Criminal and Juvenile Justice Information Systems Council."
>
> Sections 4-16 -- amends and creates several statutes dealing with the membership and the duties of the "Criminal and Juvenile Justice Information Systems Council" and its relation to other government organizations.
>
> Section 17-21 -- amends several statutes regarding juvenile criminal history records.
>
> Section 22 -- amends the statutory provisions regarding the preparation of sentencing guidelines scoresheets.
>
> Section 23 -- repeals Section 6 of Chapter 94-209, Laws of Florida, which had imposed duties on the Juvenile Justice Advisory Board.
>
> Section 24 -- requires the "Justice Administrative Commission [to] report to the Legislature no later than January 1, 1997, itemizing and explaining each of its duties and functions."
>
> Section 25 -- amends Section 27.34(4) by

eliminating the provision that allowed the Insurance Commissioner to contract with the "Justice Administrative Commission for the prosecution of criminal violations of the Workers' Compensation Law ...."

Section 26 -- repeals Section 27.37, which had created the "Council on Organized Crime" and detailed its membership and duties.

Section 27 -- repeals Sections 282.501 and .502, which had directed the Department of Education to establish the "Risk Assessment Coordinating Council", which was to "develop a population-at-risk profile for purposes of identifying at an early age, and tracking for statistical purposes, persons who are probable candidates for entering into the criminal justice system so as to develop education and human resources to direct such persons away from criminal activities", and providing for membership and duties of this council.

Section 28 -- repeals Sections 648.25(2), .265, and .266, which had established the "Bail Bond Advisory Council", which was to monitor and make recommendations regarding pre-trial release procedures.

Section 29 -- amends Sections 648.26(1) and (4) to eliminate the Bail Bond Advisory Council from the regulatory process over bail bond agents.

Section 30 -- repeals the "Florida Drug Punishment Act of 1990", which had attempted to identify offenders whose criminal activity was the result of drug problems and divert those offenders into treatment programs.

Section 31 -- repeals Section 827.05, which had created the offense of "negligent treatment of children."

Section 32 -- repeals Section 943.031(6), which had provided for automatic repeal of Section 943.031, which in turn created, provided for membership, and imposed duties upon, the "Florida Violent Crime Council."

Sections 33-43 -- amends Sections 39.053, 893.138, 895.02, and Chapter 874 regarding the prosecution of offenders who are members of a "Criminal Street Gang", including new definitions, the creation of new offenses, and provisions for punishment and forfeiture.

Sections 44-46 -- amends the habitualization sentencing statutes in minor ways.

Sections 47-48 -- amends the definitions of burglary and trespass.

Section 49 -- amends the definition of theft.

Sections 50-53 -- amends the sentencing guidelines in minor ways.

Section 54 -- significantly amends Section 893.135(1), regarding the offense of trafficking in controlled substances.

Sections 55-59 -- amends various statutes regarding enhanced offenses and a defendant's eligibility for gain-time or early release.

Sections 60-67 -- creates the "Jimmy Ryce Act", which significantly amends the Florida Sexual Predators Act and establishes provisions regarding the release of public records regarding missing children.

Section 68 -- creates Section 943.15(3), which requires "the Florida Sheriffs Association and the Florida Police Chiefs Association [to] develop protocols establishing when injured apprehendees will be placed under arrest and how security will

> be provided during any hospitalization [and] address[ing] the cost to hospitals of providing unreimbursed medical services.. .."
>
> Section 69 -- amends Section 16.56 to give the statewide prosecutor jurisdiction over violations of "s. 847.0135, relating to computer pornography and child exploitation prevention ...."
>
> Sections 70-71 -- amends definitions and creates new offenses regarding computer pornography.
>
> Section 72 -- amends Section 776.085 regarding the provision of a civil damages action against perpetrators of forcible felonies.
>
> Sections 73-74 -- provides for an effective date.

Ch. 96-388 thus encompasses a multitude of unrelated subjects that have separate and disassociated objectives. It is the variegated nature of the subject matters of the Act which preclude the title from complying with the constitutional mandate that its subject be briefly expressed in the title.

The proof of constitutional violation in ch. 96-388 is clear. The only arguable connection among all sections of the bill is “public safety.” But Florida courts have ruled such a broad, general area may not be considered a single subject or the constitutional mandate would become meaningless. For example, both Bunnell and Williams rejected the contention that many

separate matters may be included together in one bill if all relate somehow to a broad general subject area, such as criminal justice or crime prevention and control, as contended by the state in those cases. The Fifth District in Williams highlighted the fallacy of such a position:

> The Bunnell court [referring to the Second District decision] reasoned that although not expressed in the title, it could infer from the provisions of the bill, a general subject, the criminal justice system, which was germaine to both sections. Even if that subject was expressed, for example, in a title reading "Bill to Improve Criminal Justice in Florida," we think this is the object and not the subject of the provisions. Further, approving such a general subject for a non-comprehensive law would write completely out of the constitution the anti-logrolling provision of article III, section 6.

459 So. 2d at 321. (Footnote omitted).

Since the Act clearly includes a great many more than one subject, Ch. 96-388 violates art. III, §6, Fla. Const., and should be invalidated. As the violent career criminal statute was unconstitutionally enacted by both ch. 95-182 and ch. 96-388, the window period to challenge the constitutionality of the statute remained open until May 24, 1997, the date of the biennial adoption of the amendments to the Florida Statutes. Because the instant offenses arose in January of 1997, petitioner

is entitled to relief.

Petitioner was permitted to raise this issue for the first time on appeal, because it is fundamental error.[1] Trushin v. State, 425 So. 2d 1126 (Fla. 1982); and Johnson v. State, Claybourne v. State, and Garrison v. State, all *supra*. The reason for this rule was stated by this Court in State v. Johnson, 616 So. 2d 1, 3-4 (Fla. 1993):

> The Fundamental Error Question
>
> A facial challenge to a statute's constitutional validity may be raised for the first time on appeal only if the error is fundamental. *Trushin v. State*, 425 So.2d 1126 (Fla. 1982); *Steinhorst v. State*, 412 So.2d 332 (Fla. 1982); *Sanford v. Rubin*, 237 So.2d 134 (Fla. 1970). In *Sanford*, we reviewed an article III, section 6, constitutional attack on the validity of a chapter law similar to the issue before us here. In that case, we evaluated the question of whether the arguments raised regarding an award of attorney's fees constituted fundamental error so as to allow us to consider a constitutional challenge to the chapter law's title, a challenge that had been raised for the first time on appeal. Because the merits of the case involved an employment retention and compensation question, we determined that the issue of attorney's fees did not go to the merits or the foundation of the case. Consequently, we refused to consider the

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1Even the Criminal Appeal Reform Act, §924.051(3), Fla. Stat. (1997), permits fundamental errors to be raised for the first time on appeal.

constitutionality of the chapter law because no fundamental error question was raised. *Sanford*, 237 So.2d at 138. Subsequently, in reviewing other cases where issues were first being raised on appeal, we concluded that, for an error to be so fundamental that it can be raised for the first time on appeal, the error must be basic to the judicial decision under review and equivalent to a denial of due process. *D'Oleo-Valdez v. State*, 531 So.2d 1347 (Fla. 1988); *Ray v. State*, 403 So.2d 956 (Fla. 1981).

A review of the chapter law at issue reflects that it affects a quantifiable determinant of the length of sentence that may be imposed on a defendant. Section 775.084 allows a court to impose a substantially extended term of imprisonment on those defendants who qualify under the statute. Under the amendments to section 775.084 contained in chapter 89-280, Johnson was sentenced to a maximum sentence of twenty-five years, with a minimum mandatory sentence of ten years. Had he not qualified as a habitual offender under the new amendments, his maximum sentence under the guidelines would have been three and one-half years. **Clearly, the habitual felony offender amendments contained in chapter 89-280 involve fundamental "liberty" due process interests**. Contrary to the question raised in *Sanford*, we find the issue in this case to be a question of fundamental error.

We reached a similar conclusion in *Trushin* by finding that the arguments concerning the constitutional facial validity of the statute under which Trushin was convicted raised a fundamental error. 425 So.2d at 1130. However, we specifically noted in *Trushin* that "[t]he constitutional application of a statute to

> a particular set of facts is another matter and must be raised at the trial level." Id. at 1129-30. We conclude that the validity of chapter 89-280 falls within the definition of fundamental error as a matter of law and does not involve any factual application. Consequently, we hold that the challenge may be raised on appeal even though the claim was not raised before the trial court. (emphasis added).

Petitioner's violent career criminal sentences affect the length of time he must serve and affect his fundamental liberty interests. They must be vacated.

CONCLUSION

Petitioner, based on all of the foregoing, respectfully urges the Court to disapprove the decision of the First District, strike the violent career criminal sentences, and remand the case for resentencing.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by delivery to Charmaine M. Millsaps, Assistant Attorney General, Office of the Attorney General, The Capitol, Plaza Level, Tallahassee, Florida, and to petitioner, #291413, P.O. Box 500, Sanderson, Florida 32087, by U.S. Mail, on the ____ day of October, 1999.

P. DOUGLAS BRINKMEYER

THE SUPREME COURT OF FLORIDA

CASE NO. 96,711

LASHAWN MARTEZ CRAWFORD,

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ON DISCRETIONARY REVIEW OF A DECISION
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APPENDIX

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Criminal law -- Sentencing -- Violent career criminal -- Gort Act does not violate single subject rule of Florida Constitution

LASHAWN MARTEZ CRAWFORD, Appellant, v. STATE OF FLORIDA, Appellee. 1st District. Case No. 97-2297. Opinion filed September 22, 1999. An appeal from an order of the Circuit Court for Duval County. Brad Stetson, Judge. Counsel: Nancy Daniels, Public Defender, and P. Douglas Brinkmeyer, Assistant Public Defender, Tallahassee, for appellant. Robert A. Butterworth, Attorney General, and Charmaine M. Millsaps, Assistant Attorney General, Tallahassee, for appellee.

(PER CURIAM.) Lashawn Crawford challenges the sentence imposed after a guilty plea. Crawford argues that the session law which created the violent career criminal sentencing scheme, chapter 95-182, Laws of Florida, is unconstitutional as a violation of the single subject rule in article III, section 6, Florida Constitution. We determine that chapter 95-182, known as the Gort Act, does not violate the single subject rule under the supreme court's analysis in *Burch v. State*, 558 So. 2d 1 (Fla. 1990), and affirm.

Crawford entered a plea of guilty to two counts of robbery while wearing a mask. At sentencing, he stipulated that he met the criteria as a violent career criminal based on prior judgments and sentences. The plea agreement called for a sentence to a term of years less than life. The trial court imposed a sentence of 42 years. Crawford now argues that chapter 95-182 violates the single subject rule because it combined the creation of the career criminal sentencing scheme with civil remedies for victims of domestic violence. This argument has been rejected and chapter 95-182 found constitutional in *Higgs v. State*, 695 So. 2d 872 (Fla. 3d DCA 1997); *Hill v. State*, 24 Fla. L. Weekly 1736 (Fla. 5th DCA 1999). *Contra Thompson v. State*, 708 So. 2d 315 (Fla. 2d DCA 1998), *review granted*, 717 So. 2d 538 (Fla. 1998). We recently rejected a similar challenge to chapter 95-184, Laws of Florida. *See Trapp v. State*, 24 Fla. L. Weekly 1431 (Fla 1st DCA June 17, 1999). As in *Trapp*, all portions of the legislation in the instant case deal with remedies for acts which constitute crimes. Sections 1 through 7 of chapter 95-182, create and define the violent career criminal sentencing category and provide sentencing procedures and penalties. Sections 8 through 10 deal with civil remedies relating to domestic violence. The acts of domestic violence

contained within these sections are criminal offenses. See §741.28(1), Fla. Stat. (1997). All portions of the legislation in the instant case deal with remedies for acts which constitute crimes. Thus, as in *Burch*, the overall purpose of this statute can be determined to be crime prevention.

For the reasons expressed in *Trapp, Higgs*, and *Hill* we find the statute to be constitutional. Accordingly, we affirm the judgment and sentences, but certify conflict with *Thompson*.

AFFIRMED; conflict certified. (WOLF, LAWRENCE and BROWNING, JJ., concur.)

* * *