

SUPREME COURT OF FLORIDA

Franklin v. State

887 So. 2d 1063 (Fla. 2004) · No. SC03-413 · Decided September 30, 2004

SUMMARY

The Supreme Court of Florida considered whether chapter 99-188, the Three-Strike Violent Felony Offender Act, violated the Florida Constitution’s single-subject clause. The court held that the Act did not violate article III, section 6, and upheld Franklin’s habitual-felony-offender sentence. The opinion clarified how courts should identify an act’s single subject and determine whether its provisions are properly connected to that subject.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Pariente, C.J.; Wells, J.; Cantero, J.; Bell, J.; Quince, J.; Anstead, J.; Lewis, J.
JURISDICTION	Florida
DECIDED	September 30, 2004
DOCKET	SC03-413
DISPOSITION	approved
PROCEDURAL POSTURE	Review of a certified conflict between the Third District Court of Appeal's decision upholding chapter 99-188, Laws of Florida, and the Second District Court of Appeal's decision holding the Act unconstitutional under the Florida Constitution's single subject clause.
STANDARD OF REVIEW	Highly deferential review of legislation challenged under article III, section 6 of the Florida Constitution; legislation is presumed constitutional, and invalidity must appear beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Florida
PARTIES	Corey Franklin v. State of Florida

TOPICS

- constitutional law
- sentencing
- statutory interpretation
- criminal procedure
- legislative intent

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Franklin had standing to challenge chapter 99-188 under the single subject clause even though he was not directly affected by sections 11 and 13.
2. How courts should identify the single subject of a legislative act under article III, section 6 of the Florida Constitution.
3. What test governs whether provisions of an act are matters properly connected with its single subject.
4. Whether sections 11 and 13 of chapter 99-188 were properly connected to the Act's subject of sentencing.
5. Whether chapter 99-188 violated article III, section 6 of the Florida Constitution.

HOLDINGS

1. A person adversely affected by sentencing amendments contained in a chapter law has standing to challenge the law under article III, section 6, even if the person was not directly affected by every challenged provision.
2. The single subject of a legislative act ordinarily is determined from the short title, specifically the language following the customary phrase "an act relating to" and preceding the indexing of the act's provisions.
3. A connection between a provision and an act's subject is proper if it is natural or logical, or if there is a reasonable explanation showing that the provision is necessary to the subject or tends to make effective or promote the legislation's objects and purposes.
4. Sections 11 and 13 were properly connected to the Act's single subject of sentencing and therefore did not violate article III, section 6.
5. Chapter 99-188, Laws of Florida, does not violate the single subject clause of article III, section 6 of the Florida Constitution.

KEY QUOTATIONS

"Every law shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title." (1072)

"A connection between a provision and the subject is proper (1) if the connection is natural or logical, or (2) if there is a reasonable explanation for how the provision is (a) necessary to the subject or (b) tends to make effective or promote the objects and purposes of legislation included in the subject." (1078)

"Chapter 99-188 does not violate the single subject clause of article III, section 6 of the Florida Constitution." (1083)

FACTUAL BACKGROUND

Franklin committed armed robbery and resisting arrest after chapter 99-188 became effective. He had one felony conviction for possession of cocaine and one burglary felony for which adjudication of guilt had been withheld. The amended habitual offender statute treated the withheld adjudication as a qualifying prior offense, resulting in a forty-year habitual felony offender sentence.

PROCEDURAL HISTORY

Franklin was convicted of armed robbery and resisting arrest and received a forty-year habitual felony offender sentence under section 775.084, Florida Statutes, as amended by chapter 99-188. After the Second District held in *Taylor v. State* that the Act violated the single subject clause, Franklin moved to correct his sentence under Florida Rule of Criminal Procedure 3.800(b), and the trial court granted the motion. The State appealed, and the Third District reversed, holding that the Act did not violate the single subject requirement and certifying conflict with *Taylor*. The Supreme Court of Florida approved the Third District's decision, approved the Fourth District's *Hernandez-Molina* decision, and disapproved *Taylor*.

DISPOSITION

approved

CASES CITED

- *Taylor v. State*, 818 So. 2d 544 (Fla. 2d DCA 2002)
- *State v. Franklin*, 836 So. 2d 1112 (Fla. 3d DCA 2003)
- *Hernandez-Molina v. State*, 860 So. 2d 483 (Fla. 4th DCA 2003)
- *State v. Thompson*, 750 So. 2d 643 (Fla. 1999)
- *State ex rel. Flink v. Canova*, 94 So. 2d 181 (Fla. 1957)
- *Colonial Investment Co. v. Nolan*, 131 So. 178 (Fla. 1930)
- *State ex rel. Moodie v. Bryan*, 39 So. 929 (Fla. 1905)
- *Sebring Airport Authority v. McIntyre*, 783 So. 2d 238 (Fla. 2001)
- *State ex rel. Bisbee v. Drew*, 17 Fla. 67 (1879)
- *Amos v. Mathews*, 126 So. 308 (Fla. 1930)
- *Bunnell v. State*, 453 So. 2d 808 (Fla. 1984)
- *State ex rel. Shevin v. Metz Construction Co.*, 285 So. 2d 598 (Fla. 1973)
- *Ex parte Knight*, 41 So. 786 (Fla. 1906)
- *Holton v. State*, 9 So. 716 (Fla. 1891)
- *City of Hialeah v. State ex rel. Ben Hur Life Association*, 174 So. 843 (Fla. 1937)
- *City of Pensacola v. Shevin*, 396 So. 2d 179 (Fla. 1981)
- *State ex rel. Lichtenstein v. Coleman*, 183 So. 163 (Fla. 1938)
- *Loxahatchee River Environmental Control District v. School Board of Palm Beach County*, 515 So. 2d 217 (Fla. 1987)
- *Williams v. State*, 370 So. 2d 1143 (Fla. 1979)

- State ex rel. Attorney General v. Green, 18 So. 334 (Fla. 1895)
- Fine v. Firestone, 448 So. 2d 984 (Fla. 1984)
- Florida Department of Highway Safety & Motor Vehicles v. Critchfield, 842 So. 2d 782 (Fla. 2003)
- Grant v. State, 770 So. 2d 655 (Fla. 2000)
- Smith v. Department of Insurance, 507 So. 2d 1080 (Fla. 1987)
- Nichols v. Yandre, 9 So. 2d 157 (Fla. 1942)
- State ex rel. Crump v. Sullivan, 128 So. 478 (Fla. 1930)
- State v. Johnson, 616 So. 2d 1 (Fla. 1993)
- Heggs v. State, 759 So. 2d 620 (Fla. 2000)
- Tormey v. Moore, 824 So. 2d 137 (Fla. 2002)

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