

# Supreme Court of Florida

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No. SC04-706

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**STATE OF FLORIDA,**  
Appellant,

vs.

**RICHARD JONES,**  
Appellee.

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No. SC04-707

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**STATE OF FLORIDA,**  
Appellant,

vs.

**MICHAEL ANGLIN,**  
Appellee.

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No. SC04-809

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**STATE OF FLORIDA,**  
Appellant,

vs.

**JOSEPH CARLSON,**  
Appellee.

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No. SC04-810

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**STATE OF FLORIDA,**  
Appellant,

vs.

**CALVIN WILLIAMS,**  
Appellee.

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No. SC04-1567

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**STATE OF FLORIDA,**  
Appellant,

vs.

**SAMUEL SANTIAGO,**  
Appellee.

[April 21, 2005]

PARIENTE, C.J.

We have for review the decisions in these cases, in which the Fifth District Court of Appeal declared chapter 99-188, Laws of Florida, known as the “Three-Strike Violent Felony Offender Act,” unconstitutional under the single subject requirement of article III, section 6 of the Florida Constitution. We have jurisdiction, see art. V, § 3(b)(1), Fla. Const., and consolidate these cases for purposes of this opinion. In each of these cases, the Fifth District not only held chapter 99-188 unconstitutional, but also receded from its previous conclusion that the constitutional defect was retroactively cured in chapters 2002-208 through 2002-212, Laws of Florida. See Jones v. State, 872 So. 2d 938, 940 (Fla. 5th DCA 2004) (receding in part from Hersey v. State, 831 So. 2d 679 (Fla. 5th DCA 2002)).<sup>1</sup>

We quash the decisions of the Fifth District in these cases and remand for reconsideration in light of our decision in Franklin v. State, 887 So. 2d 1063 (Fla. 2004), in which we held that chapter 99-188 did not violate the single subject rule. Our decision that no single subject violation occurred renders it unnecessary for us to address the issue of whether the retroactive application of the 2002 legislation to crimes occurring before that date

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1. We also have for review Hersey and its Fifth District progeny, which we address in a separate opinion. See Hersey v. State, No. SC02-2630 (Fla. April 21, 2005).

would be a violation of the ex post facto clauses of the Florida and United States Constitutions. See State v. Green, 887 So. 2d 1089, 1089-90 (Fla. 2004).

It is so ordered.

WELLS, ANSTEAD, CANTERO, and BELL, JJ., concur.  
QUINCE, J., dissents with an opinion.  
LEWIS, J., dissents.

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

QUINCE, J., dissenting.

I dissent from the majority's decision to remand these cases based on the reasons espoused in my dissenting opinion in Franklin v. State, 887 So. 2d 1063 (Fla. 2004).

Five Cases:

SC04-706

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

Fifth District - Case No. 5D01-2775

(Orange County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Mary G. Jolley,  
Assistant Attorney General, Daytona Beach, Florida,

for Appellant

James B. Gibson, Public Defender and Susan A. Fagan, Assistant Public Defender,  
Seventh Judicial Circuit, Daytona Beach, Florida,

for Appellee

SC04-707

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

Fifth District - Case No. 5D03-329

(Orange County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Mary G. Jolley,  
Assistant Attorney General, Daytona Beach, Florida,

for Appellant

James B. Gibson, Public Defender and Susan A. Fagan, Assistant Public Defender,  
Seventh Judicial Circuit, Daytona Beach, Florida,

for Appellee

SC04-809

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

Fifth District - Case No. 5D01-3089

(Volusia County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Mary G. Jolley,  
Assistant Attorney General, Daytona Beach, Florida,

for Appellant

James B. Gibson, Public Defender and C. Michael Barnette, Assistant Public Defender, Seventh Judicial Circuit, Daytona Beach, Florida,

for Appellee

SC04-810

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

Fifth District - Case No. 5D02-3468

(Volusia County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Mary G. Jolley, Assistant Attorney General, Daytona Beach, Florida,

for Appellant

James B. Gibson, Public Defender and Kevin Richard Holtz, Assistant Public Defender, Seventh Judicial Circuit, Daytona Beach, Florida,

for Appellee

SC04-1567

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

Fifth District - Case No. 5D02-2865

(Osceola County)

Charles J. Crist, Jr., Attorney General, Tallahassee, Florida and Mary G. Jolley, Assistant Attorney General, Daytona Beach, Florida,

for Appellant

James B. Gibson, Public Defender and James R. Wulchak, Assistant Public  
Defender, Seventh Judicial Circuit, Daytona Beach, Florida,

for Appellee