

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JANUARY TERM, A.D. 2004

FELIX CORDOVA, **
Appellant, **
vs. ** CASE NO. 3D04-31
THE STATE OF FLORIDA, ** LOWER
Appellee. ** TRIBUNAL NO. 01-7120B

Opinion filed July 7, 2004.

An appeal under Fla. R. App. P. 9.141(b)(2) from the Circuit Court for Miami-Dade County, Dennis Murphy, Judge.

Stratton & Feinstein, P.A., and Darryl C. Dungan, for appellant.

Charles J. Crist, Jr., Attorney General, and Richard L. Polin, Assistant Attorney General, for appellee.

Before COPE, LEVY and GREEN, JJ.

On Rehearing Denied

PER CURIAM.

Felix Cordova moves for rehearing, arguing that he is adversely affected by chapter 99-188, Laws of Florida, and that we should issue an opinion so stating. Defendant-appellant Cordova wishes to pursue further review in the Florida Supreme Court

challenging chapter 99-188 on a claim that the enactment violates the single subject rule. Compare State v. Franklin, 836 So. 2d 1112 (Fla. 3d DCA) (holding that there is no single subject violation in chapter 99-188), review granted, 854 So. 2d 659 (Fla. 2003) with Taylor v. State, 818 So. 2d 544 (Fla. 2d DCA), review dismissed, 821 So. 2d 302 (Fla. 2002) (holding chapter 99-188 invalid on account of single subject violation).

The defendant's premise is wrong. The defendant is not affected by chapter 99-188 one way or the other.

So far as pertinent here, the defendant entered a guilty plea to the offense of trafficking in ecstasy (MDMA) in violation of section 893.135(1)(j)1.a., Fla. Stat. (2000). On this count he was sentenced to fifteen years in prison with a three year mandatory minimum sentence.

The statute under which the defendant was convicted was created by chapter 2000-320, Laws of Florida. See id. § 4. That statute went into effect on October 1, 2000. See id. § 9. The defendant's offense date was March 3, 2001.

The defendant was properly convicted and sentenced under the statute enacted in 2000. Chapter 99-188, Laws of Florida, has nothing to do with it. The defendant's argument is entirely without merit. See Wright v. State, 869 So. 2d 24 (Fla. 2d DCA 2004) (en banc); Barber v. State, 864 So. 2d 1171 (Fla. 5th DCA 2004); Urruchurtu v. State, 858 So. 2d 387 (Fla. 3d DCA 2003).

Rehearing denied.