

# Supreme Court of Florida

\_\_\_\_\_  
No. 82,557  
\_\_\_\_\_

**ORIGINAL**

STATE OF FLORIDA, Appellant,

vs.

JAMES HILL, Appellee.

[May 12, 1994]

CORRECTED OPINION

PER CURIAM.

The State appeals the decision of the district court of appeal in Hill v. State, 623 So. 2d 1251 (Fla. 2d DCA 1993), on the ground that the decision declared a state statute invalid. Art. V, § 3(b)(1), Fla. Const.

On the authority of Brown v. State, 629 So. 2d 841 (Fla. 1994), the decision of the district court is affirmed.

It is so ordered.

GRIMES, C.J., and OVERTON, McDONALD, SHAW, KOGAN and HARDING, JJ., concur.

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. 92-01953

(Hillsborough County)

Robert A. Butterworth, Attorney General and Michele Taylor,  
Assistant Attorney General, Tampa, Florida,

for Appellant

James Marion Moorman, Public Defender and Tonja R. Vickers,  
Assistant Public Defender, Tenth Judicial Circuit, Bartow,  
Florida,

for Appellee