

# Supreme Court of Florida

---

No. SC00-1726

---

**D.N.S.,**  
Petitioner,

vs.

**STATE OF FLORIDA**  
Respondent.

[June 14, 2001]

PER CURIAM.

We have for review D.N.S. v. State, 772 So. 2d 17 (Fla. 2d DCA 2000), in which the Second District Court of Appeal certified the following questions to be of great public importance:

AT WHAT LEVEL OF SCRUTINY MUST A COURT EXAMINE  
THE CONSTITUTIONALITY OF A JUVENILE CURFEW  
ORDINANCE?

IS THE TAMPA JUVENILE CURFEW ORDINANCE  
CONSTITUTIONAL?

Id. at 17. We have jurisdiction pursuant to article V, section 3(b)(4), Florida Constitution.

In T.M. v. State, 26 Fla. L. Weekly S266 (Fla. Apr. 26, 2001), we answered a question similar to the instant first certified question by holding that strict scrutiny applies to juvenile curfew ordinances. As in T.M., we decline to answer the second certified question, quash the decision of the district court, and remand this case for further proceedings.

It is so ordered.

WELLS, C.J., and SHAW, HARDING, ANSTEAD, PARIENTE, LEWIS and QUINCE, JJ., concur.

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

Application for Review of the Decision of the District Court of Appeal -  
Certified Great Public Importance

Second District - Case No. 2D98-3858

(Hillsborough County)

James Marion Moorman, Public Defender, and Richard J. Sanders, Assistant Public Defender, Tenth Judicial Circuit, Bartow, Florida,

for Petitioner

Robert A. Butterworth, Attorney General, and Michael J. Neimand, Assistant Attorney General, Fort Lauderdale, Florida,

for Respondent