

Supreme Court of Florida

No. SC01-202

STATE OF FLORIDA,
Petitioner,

vs.

NASH N. CRONIN, et al.,
Respondents.

[November 15, 2001]

LEWIS, J.

We have for review the decision of the First District Court of Appeal, State v. Cronin, 774 So. 2d 871 (Fla. 1st DCA 2000), which declared section 817.234 (8) of the Florida Statutes invalid. The court also certified its decision to be in conflict with decisions of other district courts. We have jurisdiction. See art. V, § 3(b)(3), Fla. Const.

This Court addressed the issue presented here in State v. Bradford, 787 So. 2d 811 (Fla. 2001), holding that the statute at issue “unconstitutionally infringes

upon the protections afforded commercial speech by the First Amendment to the United States Constitution.” Id. at 814. As the district court’s holding is consistent with Bradford, the decision is approved.

It is so ordered.

WELLS, C.J., and SHAW, HARDING, ANSTEAD, PARIENTE, 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 Direct Conflict of Decisions

First District - Case No. 1D99-3226

(Duval County)

Robert A. Butterworth, Attorney General, James W. Rogers, Tallahassee Bureau Chief, Criminal Appeals, and Edward C. Hill, Jr., Assistant Attorney General, Tallahassee, Florida,

for Petitioner

Henry M. Coxe, III and Aaron Metcalf of Bedell, Dittmar, DeVault, Pillans & Coxe, Jacksonville, Florida; D. Gray Thomas of Sheppard, White & Thomas, P.A., Jacksonville, Florida; Robert Stuart Willis of Willis & Ferebee, P.A., Jacksonville, Florida; and Nancy A. Daniels, Public Defender, and Edgar Lee Elzie, Jr., Assistant Public Defender, Second Judicial Circuit, Tallahassee, Florida,

for Respondents