

Supreme Court of Florida

No. SC04-390

STATE OF FLORIDA,
Appellant,

vs.

ALBERTO RODRIGUEZ,
Appellee.

[June 23, 2005]

WELLS, J.

We have on appeal a decision of the Third District Court of Appeal declaring invalid a state statute. Rodriguez v. State, 29 Fla. L. Weekly D241 (Fla. 3d DCA Jan. 21, 2004). Rodriguez also expressly and directly conflicts with the decision in Sult v. State, 839 So. 2d 798 (Fla. 2d DCA 2003). We have jurisdiction. See art. V, § 3(b)(1), (3), Fla. Const.

For the reasons stated in our opinion in Sult v. State, No. SC03-542 (Fla. opinion filed June 23, 2005), we affirm the decision of the Third District in Rodriguez.

It is so ordered.

PARIENTE, C.J., and ANSTEAD, LEWIS, and QUINCE, JJ., concur.
CANTERO and BELL, JJ., dissent.

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

Third District - Case No. 3D01-2332

(Dade County)

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