

# Supreme Court of Florida

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No. SC02-2194

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**STATE OF FLORIDA,**  
Appellant,

vs.

**DAVID A. MCCORMICK,**  
Appellee.

[March 4, 2004]

PER CURIAM.

We have on appeal a decision of a district court of appeal declaring invalid a state statute. We have jurisdiction. See Art. V, § 3(b)(1), Fla. Const. For the reasons expressed in our opinion in Florida Department of Highway Safety & Motor Vehicles v. Critchfield, 842 So. 2d 782 (Fla. 2003), we summarily affirm the decision of the Fifth District Court of Appeal in McCormick v. State, 826 So. 2d 476 (Fla. 5th DCA 2002).

It is so ordered.

ANSTEAD, C.J., and WELLS, PARIENTE, LEWIS, QUINCE, CANTERO, and BELL, 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

Fifth District - Case No. 5D01-3233  
(Orange County)

Charles J. Crist, Jr., Attorney General, and Patrick W. Krechowski and Kellie A. Nielan, Assistant Attorneys General, Daytona Beach, Florida,

for Appellant

No appearance,

for Appellee