

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

SCHOOL BOARD OF BAY
COUNTY, FLORIDA,

Appellant,

CASE NO. 1D07-6014

v.

FLORIDA STATE BOARD OF
EDUCATION,

Appellee.

Opinion filed June 22, 2009.

An appeal from an order of the Department of Education.

Franklin Harrison, and Kevin D. Obos of Harrison, Sale, McCloy, Panama City,
for Appellant.

Deborah K. Kearney, General Counsel, Department of Education, Timothy
Osterhaus, Deputy Solicitor General, Office of the Attorney General, and Daniel J.
Woodring of Woodring Law Firm, Tallahassee, for Appellee.

PER CURIAM.

The School Board of Bay County challenges the constitutionality of section
1002.335, Florida Statutes (2006), alleging it violates article IX of the Florida

Constitution. We hold section 1002.335 is facially unconstitutional. See Duval County Sch. Bd. v. State Bd. of Educ., 998 So. 2d 641 (Fla. 1st DCA 2008).

The Final Order of the State Board of Education is hereby set aside.

HAWKES, C.J., ALLEN, and CLARK, JJ., CONCUR.