

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 ST.
JOHNS COUNTY,

Appellant,

CASE NO. 1D08-0170

v.

STATE BOARD OF
EDUCATION,

Appellee.

Opinion filed December 2, 2008.

An appeal from an order of the Department of Education.

Ronald G. Meyer, Jennifer S. Blohm, and Janeia R. Daniels of Meyer and Brooks, P.A., Tallahassee; and Frank D. Upchurch of Upchurch, Bailey & Upchurch, St. Augustine, for Appellant.

Deborah K. Kearney, General Counsel, Florida Department of Education, Tallahassee; and Bill McCollum, Attorney General, and Timothy Osterhaus, Deputy Solicitor General, Office of the Attorney General, Tallahassee, for Appellee.

PER CURIAM.

The School Board of St. Johns 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., 1D07-6041 (Fla. 1st DCA Dec. 2, 2008).

BROWNING, C.J., BARFIELD, and KAHN, JJ., CONCUR.