

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM A.D., 2004

D.S. and J.B.,

Appellants,

vs.

DEPARTMENT OF CHILDREN AND
FAMILY SERVICES

Appellee.

**

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** CASE NOS. 3D03-2583
3D03-1935

**

** LOWER
TRIBUNAL NO. DPK-02-62

**

Opinion filed September 22, 2004.

Appeals from the Circuit Court for Monroe County, Sandra
Taylor, Judge.

Joseph M. Albury (Key West), for D.S.; Jason R. Smith (Key
West), for J.B..

Calianne P. Lantz; Bennett H. Brummer, Public Defender and
Sheryl Lowenthal, Assistant Public Defender for appellee.

Before SCHWARTZ, C.J., and GERSTEN and GODERICH, JJ.

PER CURIAM.

Affirmed.

SCHWARTZ, C.J., (dissenting).

I would vacate the orders terminating both parents'
parental rights and remand for a "least restrictive means"

hearing and determination which were not undertaken below. See D.A. v. Department of Children & Family Servs., 846 So. 2d 1250 (Fla. 2d DCA 2003); K.O. v. Department. of Children & Families, 843 So. 2d 353 (Fla. 5th DCA 2003); C.V.T. v. Department of Children & Family Servs., 843 So. 2d 366 (Fla. 2d DCA 2003); L.B. v. Department of Children & Families, 835 So. 2d 1189 (Fla. 1st DCA 2002).