

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

NERY E. NAVARRO,

\*\*

Appellant,

\*\*

vs.

\*\* CASE NO. 3D04-26

THE STATE OF FLORIDA,

\*\*

Appellee.

\*\* LOWER  
TRIBUNAL NO. 03-21275

\*\*

Opinion filed December 1, 2004.

An Appeal from the Circuit Court for Miami-Dade County,  
Daryl E. Trawick, Judge.

Bennett H. Brummer and Harvey J. Sepler, Assistant Public  
Defender, for appellant.

Charles J. Crist, Jr., Attorney General and Richard L.  
Polin, Assistant Attorney General, for appellee.

Before SCHWARTZ, C.J., and LEVY, J., and DAUKSCH, JAMES C.,  
Senior Judge.

SCHWARTZ, Chief Judge.

Even assuming the correctness of our holding in *Espindola*  
*v. State*, 855 So. 2d 1281 (Fla. 3d DCA 2003), appeal docketed,

No. SC 03-2103 (Fla. Nov. 10, 2003) (argued Oct. 7, 2004), that the Florida Sexual Predator Act, section 775.21, Florida Statutes (1999), is unconstitutional, contra *Milks v. State*, 848 So. 2d 1167 (Fla. 2d DCA 2003), review granted, 859 So. 2d 514 (Fla. 2003) (argued Oct. 7, 2004); *Reyes v. State*, 854 So. 2d 816 (Fla. 4th DCA 2003); *Therrien v. State*, 859 So. 2d 585 (Fla. 1st DCA 2003); *Zaveta v. State*, 856 So. 2d 1058 (Fla. 5th DCA 2003), we find no merit in the present challenge to the validity of the quite different and less intrusive Sex Offender Registration Act, section 943.0435, Florida Statutes (2003). See *Smith v. Doe*, 538 U.S. 84, 123 S.Ct. 1140, 155 L.Ed.2d 164 (2003); *Connecticut Dep't of Pub. Safety v. Doe*, 538 U.S. 1, 123 S.Ct. 1160, 155 L.Ed.2d 98 (2003).

Affirmed.