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

STAT E OF FLORIDA,

Petitioner,

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

v.

CASE NO. 1D04-534

ALGA SANDERS,

Respondent.

Opinion filed October 15, 2004.

Petition for Writ of Certiorari - Original Jurisdiction

Charles J. Crist, Jr., Attorney General, and Thomas D. Winokur, Assistant Attorney General, Tallahassee, for Petitioner.

Paul M. Villeneuve of Kitchen, Judkins, Simpson, High & Villeneuve, Tallahassee, for Respondent.

PER CURIAM.

DENIED. See Ivey v. Allstate, 774 So.2d 679 (Fla. 2000); Haines City Cmty.

Dev. v. Heggs, 658 So.2d 523, 530 (Fla. 1995).

ERVIN, BOOTH, and KAHN, JJ., CONCUR.