

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2007

STATE OF FLORIDA,
Appellant,

v.

HAILEY GRAZIANO,
Appellee.

No. 4D07-177

[October 3, 2007]

PER CURIAM.

Affirmed. See State v. Wells, No. 4D06-3425 (Fla. 4th DCA Sept. 12, 2007) (holding Florida Statutes section 316.191 (2005) facially unconstitutional).

STONE, STEVENSON and HAZOURI, JJ., concur.

* * *

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Robert S. Zack, Judge; L.T. Case No. 06-18922 TC10A.

Bill McCollum, Attorney General, Tallahassee, and Sue-Ellen Kenny, Assistant Attorney General, West Palm Beach, for appellant.

Robert D. Devin, Fort Lauderdale, for appellee.

Not final until disposition of timely filed motion for rehearing