

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING  
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

STATE OF FLORIDA, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 ROBERT ALTOMONTE, )  
 )  
 Appellee. )  
 \_\_\_\_\_ )

Case No. 2D11-5369

Opinion filed October 17, 2012.

Appeal from the Circuit Court for Manatee  
County; Scott M. Brownell, Judge.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Elba Caridad Martin-  
Schomaker, Assistant Attorney General,  
Tampa, for Appellant.

Mark Lipinski, Bradenton, for Appellee.

PER CURIAM.

We reverse the trial court's dismissal of the charges against Robert  
Altomonte based on the constitutionality of section 893.13, Florida Statutes (2011). See  
State v. Adkins, 37 Fla. L. Weekly S449 (Fla. July 12, 2012). We remand for further  
proceedings.

Reversed and remanded.

DAVIS, VILLANTI, and MORRIS, JJ., Concur.