

Supreme Court of Florida

No. 81,262

STATE OF FLORIDA, Petitioner,

vs.

KIM HIGGINS, Respondent.

ORIGINAL

[September 16, 1993]

PER CURIAM.

We review Higgins v. State, 611 So. 2d 604 (Fla. 1st DCA 1993), based on a certified question. Art. V, § 3(b)(4), Fla. Const. We answered the question in State v. Rucker, 613 So. 2d 460 (Fla. 1993). We quash the decision under review and remand the case for proceedings consistent with our opinion in Rucker.

It is so ordered.

BARKETT, C.J., and OVERTON, McDONALD, SHAW, GRIMES, KOGAN and HARDING, JJ., concur.

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

Application for Review of the Decision of the District Court of
Appeal - Certified Great Public Importance
First District - Case No. 91-3131

(Okaloosa County)

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