

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

S.P.,)	
)	
Appellant,)	
v.)	Case No. 2D05-5050
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
_____)	

Opinion filed August 11, 2006.

Appeal from the Circuit Court for Polk
County; Charles B. Curry, Judge.

Jackson S. Flyte, Bartow, for Appellant.

Charles J. Crist, Jr., Attorney General,
Tallahassee, and Deborah Hogge,
Assistant Attorney General, Tampa, for
Appellee.

CASANUEVA, Judge.

S.P. was found guilty of battery on a law enforcement officer and battery.
The juvenile court withheld adjudication of delinquency and sentenced him to a term of
probation. S.P. appeals only the imposition of two surcharges. Following State v. J.C.,
916 So. 2d 847 (Fla. 2d DCA 2005), the juvenile court felt constrained to impose as a

condition of his probation a surcharge of \$201 pursuant to section 938.08, Florida Statutes (2005), to fund programs in domestic violence, and \$151 pursuant to section 938.085, to fund rape crisis centers.

In J.C., this court approved the imposition of these surcharges in cases involving juvenile defendants, aligning this district with our sister court in V.K.E. v. State, 902 So. 2d 343 (Fla. 5th DCA 2005). Subsequent to briefing in this case, our supreme court disapproved the Fifth District's opinion in V.K.E. and held that the legislature did not intend that these surcharges be assessed against juvenile defendants. V.K.E. v. State, No. SC05-1176 (Fla. July 6, 2006). Accordingly, we reverse the imposition of these surcharges in this case.

Reversed and remanded with instructions to strike these surcharges as a condition of S.P.'s probation.

ALTENBERND and STRINGER, JJ., Concur.