

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

KENNETH BRAYLEY, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 STATE OF FLORIDA, )  
 )  
 Appellee. )  
 \_\_\_\_\_ )

Case No. 2D11-3063

Opinion filed August 10, 2012.

Appeal from the Circuit Court for Pasco  
County; Michael F. Andrews, Judge.

James Marion Moorman, Public Defender,  
and Julius J. Auliso, Assistant Public  
Defender, Bartow, for Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Ronald Napolitano,  
Assistant Attorney General, Tampa,  
for Appellee.

WHATLEY, Judge.

We affirm Kenneth Brayley's judgments and sentences for felony driving under the influence of alcohol (third offense), refusal to submit to testing, driving while license suspended or revoked, and operating a motorcycle without endorsement. But, as conceded by the State, we must reverse the order imposing restitution because it

was entered after Brayley filed his notice of appeal, which divested the trial court of jurisdiction. See Renfroe v. State, 20 So. 3d 1027 (Fla. 2d DCA 2009). On remand, the trial court may conduct another hearing and again enter an order imposing restitution.

Affirmed in part, reversed in part, and remanded.

KELLY and VILLANTI, JJ., Concur.