

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

COURTNEY LOUISE CASH,

Appellant,

v.

Case No. 5D19-788

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed December 20, 2019

Appeal from the Circuit Court
for Citrus County,
Richard A. Howard, Judge.

James S. Purdy, Public Defender, and Ali L.
Hansen, Assistant Public Defender,
Daytona Beach, for Appellant.

Ashley Moody, Attorney General,
Tallahassee, and L. Charlene Matthews,
Assistant Attorney General, Daytona
Beach, for Appellee.

COHEN, J.

Courtney Cash appeals the summary denial of her motion to withdraw plea. Based on the State's concession that the trial court reversibly erred in failing to hold an evidentiary hearing, we reverse and remand. See Sheppard v. State, 17 So. 3d 275, 287 (Fla. 2009); Culver v. State, 264 So. 3d 1101, 1104–05 (Fla. 2d DCA 2019).

Cash also challenges the trial court's assessment of certain costs and fees, as well as the imposition of costs and fees without citation to the applicable statutory or municipal

authority. Cash filed a motion to correct illegal sentence, and the trial court granted that motion, ordering the Clerk of Court to amend the original order imposing costs and fees and strike certain costs that had been improperly assessed. We find that although some of the errors were corrected, others were not, and the order imposing costs and fees still lacks the necessary citations.

In its amended order, the trial court failed to reference the applicable statutory or municipal authorities authorizing the assessments. “The law is well settled that trial courts lack the authority to impose costs and fines in criminal cases unless such imposition is specifically authorized by statute and the statutory authority is cited in the defendant’s written disposition order.” J.S. v. State, 920 So. 2d 752, 753 (Fla. 5th DCA 2006). Additionally, section 27.52(1)(b), Florida Statutes (2019), allows for the assessment of one \$50-fee for each application for appointed counsel submitted by the defendant. Although the record reflects that Cash submitted only one application for appointed counsel, the trial court imposed a \$100 assessment.

On remand, depending on the outcome of the evidentiary hearing on the motion to withdraw plea, any costs and fees assessed should reflect the applicable statutory or municipal authority.

REVERSED and REMANDED.

EVANDER, C.J., and WALLIS, J., concur.