

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

JAN JOHNSON,

Appellant,

v.

Case No. 5D21-55

STATE OF FLORIDA,

Appellee.

Opinion filed July 30, 2021

Appeal from the County Court
for Seminole County,
Mark E. Herr, Judge.

Matthew J. Metz, Public Defender,
and Ali L. Hansen, Assistant Public
Defender, Daytona Beach, for
Appellant.

Ashley Moody, Attorney General,
Tallahassee, and Kaylee D. Tatman,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

We affirm Appellant, Jan Johnson's, conviction, judgment, and sentence for resisting an officer without violence in violation of section 843.02, Florida Statutes (2020), but remand with instructions to enter an amended judgment and sentence striking the improperly imposed cost of \$10.00 as it was based upon Eighteenth Judicial Circuit Administrative Order No. 18-02-S, and was not authorized by any statute. "The statutory authority for all costs imposed, whether they are mandatory or discretionary, must be cited in the written order." *Garrett v. State*, 262 So. 3d 267, 267 (Fla. 5th DCA 2019) (quoting *Hornstra v. State*, 218 So. 3d 979, 980 (Fla. 5th DCA 2017)). A fee imposed pursuant to an administrative order, which is not specifically authorized by statute is not allowed. See *Watson v. State*, 662 So. 2d 969, 969–70 (Fla. 1st DCA 1995).

AFFIRMED, in part; REVERSED, in part; and REMANDED, with instructions.

EDWARDS, EISNAUGLE and WOZNIAK, JJ., concur.