

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

JULY TERM 2004

WILLIAM JOHN MCMURRY,

Appellant,

v.

Case No. 5D03-3830

STATE OF FLORIDA,

Appellee.

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Opinion filed December 30, 2004

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

James B. Gibson, Public Defender, and Meghan Ann
Collins, Assistant Public Defender, Daytona Beach,
for Appellant.

Charles J. Crist, Jr., Attorney General, Tallahassee,
and Wesley Heidt, Assistant Attorney General,
Daytona Beach, for Appellee.

ORFINGER, J.

William John McMurray appeals the trial court's assessment of the cost of his incarceration. He contends that the trial court was without authority to assess such a cost. We disagree and affirm.

Section 960.293(2)(b), Florida Statutes (2003), provides:

(2) Upon conviction, a convicted offender is liable to the state and its local subdivisions for damages and losses for incarceration costs and other correctional costs.

* * *

(b) If the conviction is for an offense other than a capital or life felony, a liquidated damage amount of \$50 per day of the convicted offender's sentence shall be assessed against the convicted offender and in favor of the state or its local subdivisions.

Our supreme court found this statute to be constitutional in Ilkanic v. City of Fort Lauderdale, 705 So. 2d 1371 (Fla. 1998). It further observed that the "order imposing the incarceration charges [is] enforced in the same manner as a judgment in a civil action," and, therefore, the "lien created upon the imposition of the per diem charge has the same effect as the lien created by the entry of a civil judgment." Id. at 1373. Accordingly, we affirm the trial court's imposition of this statutorily mandated cost of incarceration.

AFFIRMED.

THOMPSON and PALMER, JJ., concur.