

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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No. 1D19-0263

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DALTON DOOLY,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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On appeal from the Circuit Court for Walton County.  
Kelvin C. Wells, Judge.

September 24, 2020

PER CURIAM.

Appellant, Dalton Dooly, raises three issues in this appeal from his judgment and sentence. We affirm as to the first two issues without discussion. But we agree with Dooly that the trial court erred in imposing a discretionary fine under section 775.083, Florida Statutes, and a related surcharge under section 938.04, Florida Statutes, without giving him adequate notice and an opportunity to be heard. *See Thomas v. State*, 236 So. 3d 1159, 1160–61 (Fla. 1st DCA 2018). We therefore reverse those portions of his sentence. On remand, the trial court may either strike the fine and surcharge and enter a corrected judgment and sentence or reimpose the fine and surcharge after following the proper procedure. *Id.* at 1161.

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

RAY, C.J., and BILBREY and JAY, JJ., concur.

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*Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.*

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Michael Ufferman of Michael Ufferman Law Firm, P.A., Tallahassee, for Appellant.

Ashley Moody, Attorney General, and Heather Flanagan Ross, Assistant Attorney General, Tallahassee, for Appellee.