

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

CHRISTOPHER M. SHEA,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D20-1511

[December 15, 2021]

Appeal from the Circuit Court for the Nineteenth Judicial Circuit, Martin County; Sherwood Bauer, Jr., Judge; L.T. Case No. 432016CF000291CFAXMX.

Carey Haughwout, Public Defender, and Virginia Murphy, Assistant Public Defender, West Palm Beach, for appellant.

Ashley Moody, Attorney General, Tallahassee, and Mitchell A. Egber, Assistant Attorney General, West Palm Beach, for appellee.

KUNTZ, J.

Christopher Shea appeals the circuit court's judgment revoking his probation. The court revoked Shea's probation after finding that he violated several conditions, including failure to pay court costs and the cost of supervision. We affirm the court's order revoking Shea's probation with one exception.

The court revoked Shea's probation based on multiple violations of his probation. One of the violations was Shea's failure to pay court costs and supervision costs. But the court failed to inquire whether Shea had the ability to pay those costs. Without such inquiry, we are compelled to reverse that portion of the order revoking Shea's probation for failure to pay assessed costs. *See, e.g., Herrera v. State*, 286 So. 3d 867, 872 (Fla. 2d DCA 2019).

So, we affirm the court's order in part and reverse in part. On remand, the court must reenter the revocation order and strike the finding that

Shea violated his probation by failing to pay the court costs and the supervision costs.

Affirmed in part, reversed in part, and remanded.

CONNER, C.J., and FORST, J., concur.

* * *

Not final until disposition of timely filed motion for rehearing.