

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

TRAVIS CROSS,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
_____)

Case No. 2D05-3331

Opinion filed December 8, 2006.

Appeal from the Circuit
Court for Polk County;
Harvey A. Kornstein, Judge,
and Oliver L. Green, Associate
Senior Judge.

James Marion Moorman, Public
Defender, and Tosha Cohen,
Assistant Public Defender, Bartow,
for Appellant.

Charles J. Crist, Jr., Attorney
General, Tallahassee, and
Danilo Cruz-Carino, Assistant
Attorney General, Tampa, for
Appellee.

WHATLEY, Judge.

Travis Cross appeals his conviction and sentence for attempted sale of cocaine. We affirm his conviction and sentence without discussion. However, Cross argues, and we agree, that the trial court erred in imposing a \$500 discretionary fine.¹

During the sentencing hearing, the trial court announced that it was imposing a \$500.00 fine, but it failed to state the statutory basis for the fine. We note that this fine is permissible pursuant to section 775.083, Florida Statutes (2003). See Rudd v. State, 703 So. 2d 1092 (Fla. 2d DCA 1997).

However, this court has held that discretionary fines “must be individually announced in a manner sufficient for the defendant to know the legal basis for the cost imposed.” Reyes v. State, 655 So. 2d 111, 116 (Fla. 2d DCA 1995). Because the trial court failed to announce the legal basis for imposing the fine, we strike the \$500 fine without prejudice to the State to seek imposition of the fine upon proper notice. See Cardi v. State, 685 So. 2d 842, 843 (Fla. 2d DCA 1995).

Conviction and sentence affirmed; \$500 fine stricken.

SILBERMAN and KELLY, JJ., Concur.

¹ Cross preserved this issue by filing a motion to correct sentencing error pursuant to Florida Rule of Criminal Procedure 3.800(b)(2).