

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

KONTNEY FAURISMA,	)	
	)	
Appellant,	)	
	)	
v.	)	Case No. 2D10-179
	)	
STATE OF FLORIDA,	)	
	)	
Appellee.	)	
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Opinion filed June 1, 2011.

Appeal from the Circuit Court for  
Hillsborough County; Ronald Ficarrotta,  
Judge.

James Marion Moorman, Public Defender,  
and Alisa Smith, Assistant Public  
Defender, Bartow, for Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Ronald Napolitano,  
Assistant Attorney General, Tampa, for  
Appellee.

PER CURIAM.

Kontney Faurisma appeals three orders granting restitution. He argues  
that the trial court erred in entering the restitution orders without providing him with

notice, a hearing, or an opportunity to object. The State agrees that the trial court erred. See laconetti v. State, 869 So. 2d 695 (Fla. 2d DCA 2004).

Mr. Faurisma preserved this issue for appeal by filing a motion to correct a sentencing error pursuant to Florida Rule of Criminal Procedure 3.800(b)(2). However, the trial court did not rule on the motion within sixty days so it is deemed denied. See Fla. R. Crim. P. 3.800(b)(1). Because the trial court should have held a hearing, required the State to prove the appropriate amount of restitution, and given Mr. Faurisma notice of the hearing and an opportunity to be heard, we must reverse the orders and remand for a de novo restitution hearing. See § 775.089(7), Fla. Stat. (2009); laconetti, 869 So. 2d at 700.

Reversed and remanded.

ALTENBERND, KELLY, and KHOUZAM, JJ., Concur.