

**IN THE THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER S-2013-014
(Supersedes Administrative Order S-2012-006)**

MANDATORY COSTS, ASSESSMENTS, SURCHARGES AND FINES

Section 28.246(3), Florida Statutes, requires the court's enforcement of court costs, fines, and other assessments by court order. Publication of mandatory costs in the Florida Statutes provides every defendant with adequate notice such that these costs are not required to be orally announced by the trial court. *See Reyes v. State*, 655 So. 2d 111, 116 (Fla. 2d DCA 1995). Various chapters of the Florida Statutes provide for the imposition of mandatory costs in criminal cases. Mandatory costs must be imposed in every judgment against every defendant convicted of a similar offense such that the trial court has no discretion to dispense with these costs, and the defendant's circumstances and his or her ability to pay are not relevant considerations. *See Reyes*, 655 So. 2d at 116.

Notice to defendants is not required where statutorily mandated fines are part of the potential sentence for particular crimes of which defendants are inherently on notice. *See Long v. State*, 540 So. 2d 903, 904 (Fla. 2d DCA 1989). Statutorily mandated fines are not required to be orally announced by the trial court. *See Angel v. State*, 769 So. 2d 494, 496 (Fla. 4th DCA 2000). Statutorily mandated fines must be imposed absent a stipulation by the state attorney. *See State v. Demille*, 890 So. 2d 454 (Fla. 2nd DCA 2004).

The court may consider waiving mandatory fines only in certain drug trafficking cases. Section 893.135(4), Florida Statutes, authorizes the court, upon motion by the state attorney, to reduce or modify the sentence of any person convicted of a drug trafficking offense if the person has been found by the court to have provided substantial assistance in the identification, arrest, or conviction of any of that person's accomplices, accessories, co-conspirators, or principals or of any other person engaged in drug trafficking.

It is necessary for the efficient and proper administration of justice to ensure that all statutorily mandated costs, assessments, surcharges and fines are imposed and are reflected in the written judgments and sentences. By virtue of the power vested in the chief judge under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; and Florida Rule of Judicial Administration, it is therefore **ORDERED**:

1. Imposition of Mandatory Costs, Assessments and Surcharges

Regardless of whether court costs are orally pronounced or waived by the trial judge at sentencing, the Clerk of the Circuit Court ("clerk") is hereby directed to include all statutorily mandated costs, assessments and surcharges in all written judgments and

sentences prior to submission to the judge.

2. Imposition of Mandatory Fines

Regardless of whether fines are orally pronounced at sentencing, the clerk is hereby directed to include all statutorily mandated fines in the written judgments and sentences prior to submission to the judge. If there is a range in the amount of a mandatory fine to be imposed, unless the trial judge imposes a higher fine or reduces or suspends a defendant's fine pursuant to the state attorney's motion under section 893.135(4), Florida Statutes, the clerk is directed to include in the written judgments and sentences the statutory minimum mandatory amounts of the fines.

3. Report to the Chief Judge

Each judge will ensure that mandatory costs, assessments, surcharges, and fines are not waived unless specifically authorized by law. The clerk will provide a monthly report to the chief judge indicating, by criminal justice division, any case in which any mandatory costs, assessments, surcharges, or fines are waived by the presiding judge. The report will include the name of the defendant, the case number, and the reason for waiver. If all mandatory costs, assessments, surcharges, and fines are assessed in all applicable cases in a criminal justice division, the report should include a statement to this effect.

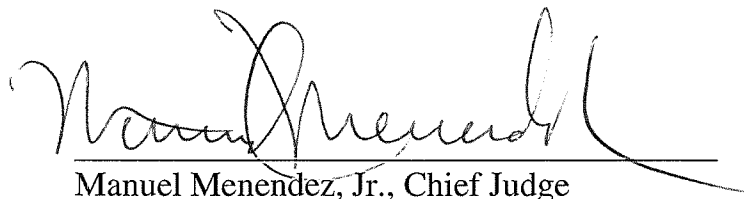
4. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order S-2012-006 (*Mandatory Costs, Assessments, Surcharges and Fines*).

5. Effective Date

This administrative order is effective immediately.

It is ORDERED in Tampa, Hillsborough County, Florida, on this 15th day of March, 2013.



Manuel Menendez, Jr., Chief Judge

Original to: Pat Frank, Clerk of Circuit Court
Copy to: All Circuit and County Criminal Division Judges
Michael L. Bridenback, Court Administrator
Mark Ober, State Attorney
Julianne Holt, Public Defender