

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

JEFFERY LEE CAIN,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D2025-3573

[July 31, 2026]

Appeal from the Circuit Court for the Nineteenth Judicial Circuit, St. Lucie County; Michael Carlton Heisey, Judge; L.T. Case No. 562024CF001909AXXXSL.

Daniel Eisinger, Public Defender, and Ian Seldin, Assistant Public Defender, West Palm Beach, for appellant.

James Uthmeier, Attorney General, Tallahassee, and Jessenia J. Concepcion, Senior Assistant Attorney General, West Palm Beach, for appellee.

ON CONFESSION OF ERROR

PER CURIAM.

The defendant appeals from the circuit court's order denying his Florida Rule of Criminal Procedure 3.800(b)(2) motion to correct sentencing errors. The defendant argues the circuit court erred by imposing \$50 for investigative costs at sentencing because the investigating law enforcement agency did not request these costs nor prove its entitlement to receive them. The State concedes error and we agree.

"Trial courts may impose investigatory costs, but only when requested by the State or agency involved." *Desrosiers v. State*, 286 So. 3d 297, 300 (Fla. 4th DCA 2019) (citing *Chambers v. State*, 217 So. 3d 210, 214 (Fla. 4th DCA 2017)). If these costs are not requested by the State or the investigating law enforcement agency, these costs must be stricken and cannot be imposed on remand. *Id.*; see also *Richards v. State*, 288 So. 3d 574, 577 (Fla. 2020). Thus, we reverse the \$50 investigative cost

imposition, and remand for the circuit court to strike the \$50 investigative cost imposition.

Reversed and remanded.

KUNTZ, C.J., MAY and SHAW, JJ., concur.

* * *

Not final until disposition of timely-filed motion for rehearing.