

**SIXTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA**

Case No. 6D2025-1045
Lower Tribunal No. 2020-CF-000148

FERNANDEZ D. GUNTER,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

Appeal from the Circuit Court for Polk County.
Jalal A. Harb, Judge.

September 10, 2026

WHITE, J.

Fernandez D. Gunter appeals the order of revocation of community control and sentence entered after he admitted to violating community control. Gunter asserts that the Monetary Obligations Order improperly imposes “Additional SAO Costs of Prosecution Fees” of \$150. Because the State failed to present any proof showing that it incurred costs greater than \$100, we agree. *See* § 938.27(8), Fla. Stat. (2023) (“Costs for the state attorney must be set in all cases at . . . no less than \$100 per case when a felony offense is charged, including a proceeding in which the

underlying offense is a violation of . . . community control. The court may set a higher amount upon a showing of sufficient proof of higher costs incurred.”); *see also Golphin v. State*, 413 So. 3d 828, 828 (Fla. 6th DCA 2024).

Therefore, we reverse the improper cost imposition of \$150 and remand for the trial court to enter a corrected Monetary Obligations Order imposing \$100 for state attorney costs of prosecution. Gunter’s presence is not required for that ministerial correction. *See Golphin*, 413 So. 3d at 829. Otherwise, we affirm the order of revocation of community control and sentence without further discussion.

AFFIRMED in part; REVERSED in part; and REMANDED with instructions.

SMITH and KAMOUTSAS, JJ., concur.

Blair Allen, Public Defender, and Lisa Martin, Assistant Public Defender, Bartow, for Appellant.

James Uthmeier, Attorney General, Tallahassee, and Helene S. Parnes, Manager II Assistant Attorney General, Tampa, for Appellee.

NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING
AND DISPOSITION THEREOF IF TIMELY FILED