

DISTRICT COURT OF APPEAL OF FLORIDA, SECOND DISTRICT

Robin Annette McGrath Rowe v. State of Florida

Rowe · No. 2D2024-2022 · Decided December 12, 2025

SUMMARY

The Florida Second District Court of Appeal affirmed in part and reversed in part Robin Annette McGrath Rowe’s judgment and sentence for driving under the influence with property damage and/or personal injury. The court held that a \$223 lump-sum cost was improperly imposed without citation to statutory authority and remanded for entry of a corrected fee order.

CASE DETAILS

COURT	District Court of Appeal of Florida, Second District
WRITING FOR THE COURT	Silberman, Judge; Sleet, Judge; Labrit, Judge
JURISDICTION	District Court of Appeal of Florida, Second District
DECIDED	December 12, 2025
DOCKET	2D2024-2022
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Anders appeal from a judgment and sentence for driving under the influence with property damage and/or personal injury; during the appeal, the appellant moved to correct a sentencing cost error under Florida Rule of Criminal Procedure 3.800(b)(2).
PRECEDENTIAL VALUE	Published opinion
PARTIES	Robin Annette McGrath Rowe v. State of Florida

TOPICS

- criminal procedure
- sentencing
- appellate procedure
- remedies

PRACTICE AREAS

- criminal procedure
- appellate procedure
- sentencing
- remedies

QUESTIONS PRESENTED

- Whether the amended cost order could impose a \$223 lump-sum court cost without citing statutory authority.

2. Whether the judgment and sentence should otherwise be affirmed in an Anders appeal.

HOLDINGS

1. A written order imposing court costs must cite the statutory authority for every cost imposed, whether mandatory or discretionary.
2. The trial court may reimpose court costs on remand if the corrected order provides the statutory authority for their assessment.

KEY QUOTATIONS

“The statutory authority for all costs imposed, whether they are mandatory or discretionary, must be cited in the written order.”

“The “Cost Worksheet” used by the Manatee County Clerk should not solely be used to support the imposition of costs because, although it contains a checklist for various costs, it fails to include the statutory authority for the costs.”

FACTUAL BACKGROUND

Rowe was convicted and sentenced for driving under the influence with property damage and/or personal injury. The trial court's amended cost worksheet imposed a \$223 lump-sum court cost without identifying statutory authority for the assessment.

PROCEDURAL HISTORY

The Manatee County Court entered a judgment and sentence and imposed court costs. While the appeal was pending, the trial court granted the appellant's Rule 3.800(b)(2) motion in part, striking certain costs and directing the clerk to amend the costs order. The amended cost worksheet nevertheless imposed a \$223 lump-sum cost without citing statutory authority. The Second District affirmed the judgment and sentence except for that cost, reversed the \$223 assessment, and remanded for a corrected fee order.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the \$223 cost assessment and remand for entry of a corrected fee order. The trial court may reimpose court costs if the order provides the statutory authority for their assessment.

CASES CITED

- Anders v. California, 386 U.S. 738 (1967)
- Weber v. State, 368 So. 3d 487, 489 (Fla. 2d DCA 2023)
- Vick v. State, 37 So. 3d 951, 952 (Fla. 2d DCA 2010)

OPINION

PER CURIAM.

DISTRICT COURT OF APPEAL OF FLORIDA SECOND DISTRICT ROBIN ANNETTE McGRATH ROWE, Appellant, v. STATE OF FLORIDA, Appellee. No. 2D2024-2022 December 12, 2025 Appeal from the County Court for Manatee County; Melissa Gould, Judge. Blair Allen, Public Defender, and Caroline Joan S. Picart, Assistant Public Defender, Bartow, for Appellant. James Uthmeier, Attorney General, Tallahassee, for Appellee.

SILBERMAN, Judge. In this appeal brought pursuant to *Anders v. California*, 386 U.S. 738 (1967), Robin Annette McGrath Rowe appeals her judgment and sentence for driving under the influence with property damage and/or personal injury. With the exception of one cost that was improperly imposed, we affirm Ms. McGrath Rowe's judgment and sentence. While this appeal was pending, Ms. McGrath Rowe filed a motion to correct sentencing error pursuant to Florida Rule of Criminal Procedure 3.800(b)(2).

The motion asserted that the trial court imposed a lump sum of \$376 in costs without citation to statutory authority. The trial court granted the motion to correct sentencing error and struck the investigative costs to the Bradenton Police Department and the impound fee.

In its order, the court further directed the clerk to amend the costs order, and it provided the statutory authority for the costs that were imposed. However, the amended cost worksheet improperly imposed a \$223 lump sum cost without citation to any authority.¹ "The statutory authority for all costs imposed, whether they are mandatory or discretionary, must be cited in the written order."

Weber v. State, 368 So. 3d 487, 489 (Fla. 2d DCA 2023) (quoting *Vick v. State*, 37 So. 3d 951, 952 (Fla. 2d DCA 2010)). We therefore reverse the \$223 imposed cost and direct that the trial court may reimpose court costs on remand if it provides the statutory authority for their assessment. See *id.* Affirmed in part, reversed in part, and remanded for entry of a corrected fee order.

SLEET and LABRIT, JJ., Concur. Opinion subject to revision prior to official publication. 1 The "Cost Worksheet" used by the Manatee County Clerk should not solely be used to support the imposition of costs because, although it contains a checklist for various costs, it fails to include the statutory authority for the costs. 2