

FIFTH DISTRICT COURT OF APPEAL OF FLORIDA

**Kelvin Berrios v. State of Florida**

Berrios · No. 5D2024-2361 · Decided July 25, 2025

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OPINION

PER CURIAM.

FIFTH DISTRICT COURT OF APPEAL STATE OF FLORIDA  
\_\_\_\_\_ Case No. 5D2024-2361 LT Case Nos. 2023-CF-001470  
2023-CF-001472 \_\_\_\_\_ KELVIN BERRIOS, Appellant, v. STATE  
OF FLORIDA, Appellee. \_\_\_\_\_ On appeal from the Circuit Court  
for Sumter County. David B. Eddy, Judge. Matthew J. Metz, Public Defender, and Andrew Mich,  
Assistant Public Defender, Daytona Beach, for Appellant.

James Uthmeier, Attorney General, Tallahassee, and Kristen Davenport, Assistant Attorney General, Daytona Beach, for Appellee. July 25, 2025 PER CURIAM. In this Anders 1 appeal, we affirm Kelvin Berrios’s judgments and sentences but remand for the trial court to reduce the 1 Anders v. California, 386 U.S. 738 (1967). prosecution costs to the minimum amount authorized under section 938.27(8), Florida Statutes (2024).

Section 938.27(8) requires a trial court to set prosecution costs at standardized amounts unless increased costs are established: Costs for the state attorney must be set in all cases at no less than \$50 per case when a misdemeanor or criminal traffic offense is charged and no less than \$100 per case when a felony offense is charged....

The court may set a higher amount upon a showing of sufficient proof of higher costs incurred. § 938.27(8), Fla. Stat. The minimum costs must be imposed even absent a request by the State. See Parks v. State, 50 Fla. L. Weekly S120, S122 (Fla. June 12, 2025).

Here, the State requested, and the trial court awarded, \$150 in prosecution costs in each case, but nothing was presented to demonstrate higher costs were incurred in either case. See id. at S122 (noting higher prosecution costs must be requested and established by the State).

Thus, we remand for the trial court to reduce the imposed prosecution costs in each case to the standard minimum amount for felony charges: \$100. § 938.27(8), Fla. Stat. AFFIRMED; REMANDED with instructions. JAY, C.J., and KILBANE and PRATT, JJ., concur. 2  
\_\_\_\_\_ Not final until disposition of any timely and authorized  
motion under Fla. R. App.

P. 9.330 or 9.331. \_\_\_\_\_ 3

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