

SIXTH DISTRICT COURT OF APPEAL OF FLORIDA

Miosotis Irizarry v. State of Florida

Irizarry · No. 6D2024-1495 · Decided January 9, 2026

SUMMARY

The Sixth District Court of Appeal of Florida held that the trial court improperly imposed \$150 in state attorney costs under section 938.27(8), Florida Statutes, without sufficient proof of higher costs. The court reversed that portion of the monetary obligations order, remanded for imposition of the \$100 statutory minimum, and affirmed the judgment and sentence in all other respects.

CASE DETAILS

COURT	Sixth District Court of Appeal of Florida
WRITING FOR THE COURT	Gannam, J.; Smith, J.; Brownlee, J.
JURISDICTION	Sixth District Court of Appeal of Florida
DECIDED	January 9, 2026
DOCKET	6D2024-1495
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Irizarry appealed her criminal judgment and sentence, challenging, among other things, the imposition of additional state attorney costs of prosecution.
PRECEDENTIAL VALUE	Published
PARTIES	Miosotis Irizarry v. State of Florida

TOPICS

criminal procedure appellate procedure statutory interpretation

PRACTICE AREAS

criminal law appellate procedure criminal costs and fees

QUESTIONS PRESENTED

- Whether the trial court erred by imposing \$150 in state attorney costs of prosecution without the State's showing of sufficient proof of higher costs incurred.
- Whether correction of the monetary obligations order required Irizarry's presence.

HOLDINGS

1. The trial court erred by imposing \$150 in state attorney costs of prosecution without the State's showing of sufficient proof of higher costs incurred; the proper assessment on this record was the \$100 statutory minimum.
2. Irizarry's presence was not required for the ministerial correction of the monetary obligations order.

KEY QUOTATIONS

- “The trial court’s Monetary Obligations Order imposed “Additional SAO Costs of Prosecution Fees” of \$150 under section 938.27(8), Florida Statutes (2024), which exceeds the \$100 state attorney cost minimum for felony offenses, without the State’s “showing of sufficient proof of higher costs incurred.””*
- “We reverse as to the \$150 cost imposition and remand for entry of a corrected monetary obligations order imposing \$100 for state attorney costs.”*

FACTUAL BACKGROUND

The trial court's Monetary Obligations Order imposed \$150 in additional state attorney costs of prosecution under section 938.27(8), Florida Statutes (2024). The statutory minimum for state attorney costs in a felony case was \$100, and the State had not made the required showing of sufficient proof of higher costs incurred. The State conceded the error on appeal.

PROCEDURAL HISTORY

The Circuit Court for Polk County entered a judgment and sentence and a Monetary Obligations Order imposing \$150 in additional state attorney costs of prosecution. On appeal, the State conceded that the \$150 assessment exceeded the statutory minimum absent sufficient proof of higher costs. The Sixth District Court of Appeal reversed the cost imposition in part, remanded for correction of the monetary obligations order, and affirmed the judgment and sentence in all other respects.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the \$150 state attorney cost imposition and remand for entry of a corrected monetary obligations order imposing \$100 for state attorney costs. Irizarry's presence is not required for the ministerial correction. The judgment and sentence are affirmed in all other respects.

CASES CITED

- Golphin v. State, 413 So. 3d 828, 828-29 (Fla. 6th DCA 2024)

OPINION

Miosotis Irizarry v. State of Florida

PER CURIAM.

SIXTH DISTRICT COURT OF APPEAL

STATE OF FLORIDA

Case No. 6D2024-1495 Lower Tribunal No. 2023-CF-007835

MIOSOTIS IRIZARRY,

Appellant, v.

STATE OF FLORIDA,

Appellee. Appeal from the Circuit Court for Polk County.

Wayne M. Durden, Judge. January 9, 2026 GANNAM, J. Miosotis Irizarry appeals her judgment and sentence asserting two grounds for reversal, one of which we address. The trial court's Monetary Obligations Order imposed "Additional SAO Costs of Prosecution Fees" of \$150 under section 938.27(8), Florida Statutes (2024), which exceeds the \$100 state attorney cost minimum for felony offenses, without the State's "showing of sufficient proof of higher costs incurred." The State concedes the error, and we agree. See *Golphin v. State*, 413 So. 3d 828, 828-29 (Fla. 6th DCA 2024). We reverse as to the \$150 cost imposition and remand for entry of a corrected monetary obligations order imposing \$100 for state attorney costs. Irizarry's presence is not required for this ministerial correction. See *Golphin*, 413 So. 3d at 829. We affirm the judgment and sentence in all other respects. AFFIRMED in part; REVERSED in part; and REMANDED with instructions. SMITH and BROWNLEE, JJ., concur. Blair Allen, Public Defender, and Caroline Joan S. Picart, Assistant Public Defender, Bartow, for Appellant. James Uthmeier, Attorney General, Tallahassee, and Natalia Reyna-Pimiento, Assistant Attorney General, Tampa, for Appellee.

NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING

AND DISPOSITION THEREOF IF TIMELY FILED

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