

IN THE SECOND DISTRICT COURT OF APPEAL, LAKELAND, FLORIDA

August 9, 2019

GEORGE SUMMERS, JR.,)	
)	
Appellant,)	
)	
v.)	Case No. 2D17-3134
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
_____)	

BY ORDER OF THE COURT:

Upon consideration of the motion for rehearing or certification filed by appellant on June 3, 2019,

IT IS ORDERED that the appellant's motion for rehearing is granted. The opinion dated May 17, 2019, is withdrawn and the attached opinion is issued in its place.

No further motions for rehearing will be entertained.

I HEREBY CERTIFY THE FOREGOING IS A TRUE COPY OF THE ORIGINAL COURT ORDER.

MARY ELIZABETH KUENZEL, CLERK

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

GEORGE SUMMERS, JR.,)
)
 Appellant,)
)
v.)
)
STATE OF FLORIDA,)
)
 Appellee.)
_____)

Case No. 2D17-3134

Opinion filed August 9, 2019.

Appeal from the Circuit Court for
Hillsborough County; Ronald Ficarrotta,
Judge.

Michael Ufferman, Tallahassee, for
Appellant.

Ashley Moody, Attorney General,
Tallahassee, and Laurie Benoit-Knox,
Assistant Attorney General, Tampa, for
Appellee.

SMITH, Judge.

George Summers, Jr., challenges the judgment and sentence imposed after his conviction by a jury of lewd or lascivious molestation of a disabled person under section 825.1025(3)(a), Florida Statutes (2017). We affirm the judgment and sentence without comment. However, Summers argues, and the State concedes, the trial court erred in imposing a \$65 assessment pursuant to section 939.185, Florida Statutes (2017), because the order assessing costs and fees fails to indicate the

applicable county ordinance. See Ayoub v. State, 901 So. 2d 311, 315 (Fla. 2d DCA 2005). We affirm the assessment but remand to the trial court for the limited purpose of correcting the order assessing fines and costs to reflect the applicable county ordinance.

Affirmed and remanded with instructions.

KHOUZAM, C.J., and LaROSE, J., Concur.