

Supreme Court of Florida

No. 76,165

COPY

STATE OF FLORIDA, Petitioner,

v.

DANIEL LAVERNE VAMPER, Respondent.

[May 9, 1991]

McDONALD, J.

In Vamper v. State, 562 So.2d 816, 818 (Fla. 3d DCA 1990), the district court certified the following question as being of great public importance:

Whether, subsequent to the effective date of chapter 86-154, Laws of Florida, inability to pay is a defense to the assessment (but not enforcement) of costs against a criminal defendant?

We have jurisdiction. Art. V, § 3(b)(4), Fla. Const. We considered a similar question in State v. Beasley, no. 76,102 (Fla. May 9, 1991), and held that statutorily mandated costs may be imposed on an indigent defendant without actual notice and

without a determination, at time of imposition, of the defendant's ability to pay. Therefore, we answer the certified question in the negative and approve the district court's affirmance of the assessment of statutory costs.

It is so ordered.

SHAW, C.J., and OVERTON, BARKETT, GRIMES, KOGAN and HARDING, JJ., concur.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

Application for Review of the Decision of the District Court of
Appeal - Certified Great Public Importance

Third District - Case No. 89-2284

(Dade County)

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