

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR PINELLAS COUNTY

KEVIN JEROME REED
Appellant,

Appeal No. CRC 13-00035APANO
UCN: 522013TR040717XXXXXX

CITY OF CLEARWATER
Appellee.
_____ /

Opinion Filed April __, 2014.

Appeal from an Order
For Payment of Fines, Fees and Costs
Entered by Senior County Court Judge Karl S. Grube

John F. McGuire, Esquire
Attorney for Appellant

Robert Surrete, Esquire
Clearwater Police Department Legal Advisor,
Attorney for Appellee

ORDER AND OPINION

COVERT, Judge.

THIS MATTER is before the Court on Appellant Kevin Reed's appeal from an Order for Payment of Fines, Fees and Costs imposing \$2,500.00, fine as a sentence for an unlawful speed.

We remand.

Background

On April 27, 2013, Appellant Kevin Reed was stopped by an officer of the Clearwater Police Department at the intersection of Belcher Road and Drew Street. The officer issued a citation to Mr. Reed for an unlawful speed of 85 M.P.H. in a 35 M.P.H. speed limit zone in

violation of Florida Statute §316.187 (1). Mr. Reed possessed a commercial driver's license at the time of the citation. Mr. Reed was required to appear in court May 13, 2013. Mr. Reed entered a plea of nolo contendere and was adjudicated guilty of an unlawful speed. Senior Judge Karl S. Grube sentenced Mr. Reed and ordered a Fine of \$2,500.00. Mr. Reed appealed on the claim of an excessive fine ordered by the court. Mr. Reed's driving record includes a conviction for an unlawful speed of 23 M.P.H. over the speed limit on April 27, 1998.

Standard of Review

This Court's scope of review is to determine if the fine is clearly in excesses of reasonable requirements for redressing the wrong. *Amos v. Gunn*, 84 Fla. 285, 94 So. 615, 641 (Fla. 1922). Additionally, the Court is to determine whether the fine is so excessive that it is cruel and unusual. *State v. Champe*, 373 So.2d 874, 879 (Fla.1978).

Order Imposing Fine for an Unlawful Speed

Florida Statute § 318.18, Amount of Penalties provides a \$250.00 fine plus costs and fees for a speed 30 M.P.H. or more. Fla. Stat. §318.18 (3)(b) (2013). Florida Statute §318.14 provides a \$2,500.00 fine enhancement for a defendant's second offense of driving more than 50 M.P.H. over the speed limit. Fla. Stat. §318.14 (13) (2013).

The Present Case

We find no legal reason for the court to impose a fine of \$2,500.00, for Mr. Reed's unlawful speed of exactly 50 M.P.H. over the speed limit. Florida Statute § 318.18, Amount of Penalties provides a \$250.00 fine plus costs and fees for a speed 30 M.P.H. or more. We find no reason to exceed this fine amount. Therefore, we find the \$2,500.00 fine is clearly excessive under the aforementioned statutes. We remand to the sentencing court for a new fine and

sentence. In the event the court has justification for exceeding a \$250.00, fine plus costs and fees the court should specifically state that basis.

Conclusion

This Court concludes that the fine sentenced by the trial court should be remanded for a new fine and sentence.

IT IS THEREFORE ORDERED that the order of the trial court for payment of fines, fees and costs is reversed and the case is remanded to the trial court for further action.

ORDERED at Pinellas County, Florida this 8th day of April, 2014.

Original order entered on April 8, 2014, by Circuit Judges Thane B. Covert, Nancy Moate Ley, Chris Helinger, and Joseph Bulone.