

Rule 3.986. Forms Related to Judgment and Sentence

JUROR VOIR DIRE QUESTIONNAIRE

1. Name and date of birth
2. What city, town or area of the county do you live in?

Zip code

3. Years of residence: In Florida

In this county

4. Former residence
5. Marital status (married, single, divorced, widow, or widower)
6. Your occupation and employer
7. If you are not now employed, give your last occupation and employer
8. If married, name and occupation of spouse

9. Have you ever served as a juror before? yes ____ no ____

If yes, civil ____ criminal ____

Did the jury reach a verdict? yes ____ no ____

Were you the foreperson? yes ____ no ____

10. If you have children, give the age, sex and occupation of those children
11. Are you either a close friend or relative of any law enforcement officer?
12. Have you, a close friend, or family member been the victim of a crime?
13. Have you, a close friend, or family member been arrested or accused of a crime?

(a) Sufficiency of Forms. The forms as set forth below, or computer generated formats that duplicate these forms, shall be used by all courts. Variations from these forms do not void a judgment, sentence, order, or fingerprints that are otherwise sufficient.

(b) Form for Judgment.

Probation Violator
Community Control Violator
Retrial
Resentence

In the Circuit Court,

Judicial Circuit, in and for
County, Florida

Division

Case Number

State of Florida

v.

Defendant

JUDGMENT

The defendant, _____, being personally before this court represented by _____, the attorney of record, and the state represented by _____, and having

been tried and found guilty by jury/by court of the following crime(s)

entered a plea of guilty to the following crime(s)

entered a plea of nolo contendere to the following crime(s)

| Statute | of | Offense | Degree | | | |
|---------|-------|-----------|--------|-------|--------|--------|
| Count | Crime | Case | OBTS | Crime | Number | Number |
| | | Number(s) | | | | |

and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED THAT the defendant is hereby ADJUDICATED GUILTY of the above crime(s).

and being a qualified offender pursuant to section 943.325, Florida Statutes, the defendant shall be required to submit DNA samples as required by law.

and good cause being shown; IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.

DONE AND ORDERED in open court in _____ County, Florida, on(date).....

Judge

State of Florida

v.

Defendant

Case Number

FINGERPRINTS OF DEFENDANT

- | | | | | |
|----------|----------|-----------|---------|-----------|
| 1. Thumb | R. Index | R. Middle | R. Ring | R. Little |
| 2. Thumb | L. Index | L. Middle | L. Ring | L. Little |

Fingerprints taken by:

(Name)

(Title)

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, _____, and that they were placed thereon by the defendant in my presence in open court this date.

Judge

(c) Form for Charges, Costs, and Fees.

In the Circuit Court,

Judicial Circuit, in and for

County, Florida

Division

Case Number

State of Florida

v.

Defendant

CHARGES/COSTS/FEEES

The defendant is hereby ordered to pay the following sums if checked:

\$50.00 pursuant to section 938.03, Florida Statutes (Crimes Compensation Trust Fund).

\$3.00 as a court cost pursuant to section 938.01, Florida Statutes (Criminal Justice Trust Fund).

\$2.00 as a court cost pursuant to section 938.15, Florida Statutes (Criminal Justice Education by Municipalities and Counties).

A fine in the sum of \$ pursuant to section 775.0835, Florida Statutes. (This provision refers to the optional fine for the Crimes Compensation Trust Fund and is not applicable unless checked and completed. Fines imposed as part of a sentence to section 775.083, Florida Statutes, are to be recorded on the sentence page(s).)

A sum of \$ pursuant to section 938.27, Florida Statutes (Prosecution/Investigative Costs).

A sum of \$ pursuant to section 938.29, Florida Statutes (Public Defender/Appointed Counsel Fees).

Restitution in accordance with attached order.

\$201 pursuant to section 938.08, Florida Statutes (Funding Programs in Domestic Violence).

A sum of \$ for the cost of collecting the DNA sample required by section 943.325, Florida Statutes.

Other

DONE AND ORDERED in open court in County, Florida, on(date).....

Judge

(d) Form for Sentencing.

Defendant Case Number OBTS Number

SENTENCE

(As to Count)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, , and having been adjudicated guilty herein, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

(Check one if applicable)

 and the court having on(date)..... deferred imposition of sentence until this date

 and the court having previously entered a judgment in this case on(date)..... now resentsences the defendant

 and the court having placed the defendant on probation/community control and having subsequently revoked the defendant's probation/community control

It Is The Sentence Of The Court That:

 The defendant pay a fine of \$, pursuant to section 775.083, Florida Statutes, plus \$ as the 5% surcharge required by section 938.04, Florida Statutes.

 The defendant is hereby committed to the custody of the Department of Corrections.

 The defendant is hereby committed to the custody of the Sheriff
of County, Florida

 The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

To Be Imprisoned (check one; unmarked sections are inapplicable):

 For a term of natural life.

For a term of _____ .

Said SENTENCE SUSPENDED for a period of _____ subject to conditions set forth in this order.

If "split" sentence complete the appropriate paragraph

Followed by a period of _____ on probation/community control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.

However, after serving a period of _____ imprisonment in the balance of the sentence shall be suspended and the defendant shall be placed on probation/community control for a period of _____ under supervision of the Department of Corrections according to the terms and conditions of probation/community control set forth in a separate order entered herein.

In the event the defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

SPECIAL PROVISIONS

(As to Count _____)

By appropriate notation, the following provisions apply to the sentence imposed:

Mandatory/Minimum Provisions:

Firearm

It is further ordered that the 3-year minimum imprisonment provision of section 775.087(2), Florida Statutes, is hereby imposed for the sentence specified in this count.

Drug Trafficking

It is further ordered that the _____ mandatory minimum imprisonment provision of section 893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this count.

Controlled Substance Within 1,000 Feet of School

It is further ordered that the 3-year minimum imprisonment provision of section 893.13(1)(c)1, Florida Statutes, is hereby imposed for the sentence specified in this count.

Habitual Felony Offender

The defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(a), Florida Statutes. The requisite findings by the court are set forth in a separate order or stated on the record in open court.

Habitual Violent Felony Offender

The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(b), Florida Statutes. A minimum term of year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court.

Law Enforcement Protection Act

It is further ordered that the defendant shall serve a minimum of years before release in accordance with section 775.0823, Florida Statutes. (Offenses committed before January 1, 1994.)

Capital Offense

It is further ordered that the defendant shall serve no less than 25 years in accordance with the provisions of section 775.082(1), Florida Statutes. (Offenses committed before October 1, 1995.)

Short-Barreled Rifle, Shotgun, Machine Gun

It is further ordered that the 5-year minimum provisions of section 790.221(2), Florida Statutes, are hereby imposed for the sentence specified in this count. (Offenses committed before January 1, 1994.)

Continuing Criminal Enterprise

It is further ordered that the 25-year minimum sentence provisions of section 893.20, Florida Statutes, are hereby imposed for the sentence specified in this count. (Offenses committed before January 1, 1994.)

Taking a Law Enforcement Officer's Firearm

It is further ordered that the 3-year mandatory minimum imprisonment provision of section 775.0875(1), Florida Statutes, is hereby imposed for the sentence specified in this count. (Offenses committed before January 1, 1994.)

Sexual Offender/Sexual Predator Determinations:

Sexual Predator

The defendant is adjudicated a sexual predator as set forth in section 775.21, Florida Statutes.

Sexual Offender

The defendant meets the criteria for a sexual offender as set forth in section 943.0435(1)(a)1a., b., c., or d, Florida Statutes.

Age of Victim

The victim was _____ years of age at the time of the offense.

Age of Defendant

The defendant was _____ years of age at the time of the offense.

Relationship to Victim

The defendant is not the victim's parent or guardian.

Sexual Activity [Section 800.04(4), Florida Statutes]

The offense _____ did _____ did not involve sexual activity.

Use of Force or Coercion [Section 800.04(4), Florida Statutes]

The sexual activity described herein _____ did _____ did not involve the use of force or coercion.

Use of Force or Coercion/unclothed Genitals [Section 800.04(5), Florida Statutes]

The molestation _____ did _____ did not involve unclothed genitals or genital area.

The molestation _____ did _____ did not involve the use of force or coercion.

Other Provisions:

Criminal Gang Activity

The felony conviction is for an offense that was found, pursuant to section 874.04, Florida Statutes, to have been committed for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.

Retention of Jurisdiction

The court retains jurisdiction over the defendant pursuant to section 947.16(4),

Florida Statutes (1983).

Jail Credit

It is further ordered that the defendant shall be allowed a total of _____ days as credit for time incarcerated before imposition of this sentence.

CREDIT FOR TIME SERVED IN RESENTENCING AFTER VIOLATION OF PROBATION OR COMMUNITY CONTROL

It is further ordered that the defendant be allowed _____ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served and unforfeited gain time previously awarded on case/count _____. (Offenses committed before October 1, 1989.)

It is further ordered that the defendant be allowed _____ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served on case/count _____. (Offenses committed between October 1, 1989, and December 31, 1993.)

The Court deems the unforfeited gain time previously awarded on the above case/count forfeited under section 948.06(7), Florida Statutes.

The Court allows unforfeited gain time previously awarded on the above case/count. (Gain time may be subject to forfeiture by the Department of Corrections under section 944.28(1), Florida Statutes.)

It is further ordered that the defendant be allowed _____ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served only pursuant to section 921.0017, Florida Statutes, on case/count _____. (Offenses committed on or after January 1, 1994.)

Consecutive/Concurrent as to Other Counts

It is further ordered that the sentence imposed for this count shall run (check one) consecutive to _____ concurrent with the sentence set forth in count _____ of this case.

Consecutive/Concurrent as to Other Convictions

It is further ordered that the composite term of all sentences imposed for the counts specified in

this order shall run (check one) consecutive to concurrent with (check one) the following:

any active sentence being served.

specific sentences:

In the event the above sentence is to the Department of Corrections, the Sheriff of County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing notice of appeal within 30 days from this date with the clerk of this court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the state on showing of indigency.

In imposing the above sentence, the court further recommends .

DONE AND ORDERED in open court at County, Florida, on(date).....

Judge

(e) Form for Order of Probation.

In the Court,

of County, Florida

Case Number

State of Florida

v.

Defendant

ORDER OF PROBATION

This cause coming on this day to be heard before me, and you, the defendant, _____, being now present before me, and you having

(check one)

entered a plea of guilty to

entered a plea of nolo contendere to

been found guilty by jury verdict of

been found guilty by the court trying the case without a jury of the offense(s) of

SECTION 1: Judgment Of Guilt

The Court hereby adjudges you to be guilty of the above offense(s).

Now, therefore, it is ordered and adjudged that the imposition of sentence is hereby withheld and that you be placed on probation for a period of _____ under the supervision of the Department of Corrections, subject to Florida law.

SECTION 2: Order Withholding Adjudication

Now, therefore, it is ordered and adjudged that the adjudication of guilt is hereby withheld and that you be placed on probation for a period of _____ under the supervision of the Department of Corrections, subject to Florida law.

SECTION 3: Probation During Portion Of Sentence

It is hereby ordered and adjudged that you be

committed to the Department of Corrections

confined in the County Jail

for a term of _____ with credit for _____ jail time. After you have served _____ of the term you shall be placed on probation for a period of _____ under the supervision of the Department of Corrections, subject to Florida law.

confined in the County Jail

for a term of _____ with credit for _____ jail time, as a special condition of probation.

It is further ordered that you shall comply with the following conditions of probation during the probationary period.

- (1) Not later than the fifth day of each month, you will make a full and truthful report to your officer on the form provided for that purpose.
- (2) You will pay the State of Florida the amount of \$ _____ per month toward the cost of your supervision, unless otherwise waived in compliance with Florida Statutes.
- (3) You will not change your residence or employment or leave the county of your residence without first procuring the consent of your officer.
- (4) You will not possess, carry, or own any firearm. You will not possess, carry, or own any weapons without first procuring the consent of your officer.
- (5) You will live without violating the law. A conviction in a court of law shall not be necessary for such a violation to constitute a violation of your probation.
- (6) You will not associate with any person engaged in any criminal activity.
- (7) You will not use intoxicants to excess or possess any drugs or narcotics unless prescribed by a physician. Nor will you visit places where intoxicants, drugs, or other dangerous substances are unlawfully sold, dispensed, or used.
- (8) You will work diligently at a lawful occupation, advise your employer of your probation status, and support any dependents to the best of your ability, as directed by your officer.
- (9) You will promptly and truthfully answer all inquiries directed to you by the court or the officer, and allow your officer to visit in your home, at your employment site, or elsewhere, and you will comply with all instructions your officer may give you.
- (10) You will pay restitution, costs, and/or fees in accordance with the attached orders.
- (11) You will report in person within 72 hours of your release from confinement to the probation office in _____ County, Florida, unless otherwise instructed by your officer. (This condition applies only if section 3 on the previous page is checked.) Otherwise, you must report immediately to the probation office located at _____ .
- (12) You shall submit to the drawing of blood or other biological specimens as required by section 943.325, Florida Statutes.
- (13) You shall submit to the taking of a digitized photograph as required by section 948.03, Florida Statutes.

SPECIAL CONDITIONS

You must undergo a (drug/alcohol) evaluation and, if treatment is deemed necessary, you

must successfully complete the treatment.

You will submit to urinalysis, breathalyzer, or blood tests at any time requested by your officer, or the professional staff of any treatment center where you are receiving treatment, to determine possible use of alcohol, drugs, or controlled substances. You shall be required to pay for the tests unless payment is waived by your officer.

You must undergo a mental health evaluation, and if treatment is deemed necessary, you must successfully complete the treatment.

You will not associate with _____ during the period of probation.

You will not associate with other criminal gang members or associates, except as authorized by law enforcement officials, prosecutorial authorities, or the court, for the purpose of aiding in the investigation of criminal activity.

You will not contact _____ during the period of probation.

You will attend and successfully complete an approved batterers' intervention program.

Other

(Use the space below for additional conditions as necessary.)

You are hereby placed on notice that the court may at any time rescind or modify any of the conditions of your probation, or may extend the period of probation as authorized by law, or may discharge you from further supervision. If you violate any of the conditions of your probation, you may be arrested and the court may revoke your probation, adjudicate you guilty if adjudication of guilt was withheld, and impose any sentence that it might have imposed before placing you on probation or require you to serve the balance of the sentence.

It is further ordered that when you have been instructed as to the conditions of probation, you shall be released from custody if you are in custody, and if you are at liberty on bond, the sureties thereon shall stand discharged from liability. (This paragraph applies only if section 1 or section 2 is checked.)

It is further ordered that the clerk of this court file this order in the clerk's office and provide certified copies of same to the officer for use in compliance with the requirements of law.

DONE AND ORDERED, on(date).....

Judge

I acknowledge receipt of a certified copy of this order. The conditions have been explained to me and I agree to abide by them.

.....(date).....

Probationer

Instructed by

Original:

Clerk of the Court

Certified Copies:

Probationer

Florida Department of
Probation and

Parole Service

Corrections,

(f) Form for Community Control.

In the Court,

of County, Florida

Case Number

State of Florida

v.

Defendant

ORDER OF COMMUNITY CONTROL

This cause coming on this day to be heard before me, and you, the defendant, ,
being now present before me, and you having

(check one)

entered a plea of guilty to

entered a plea of nolo contendere to

been found guilty by jury verdict of

been found guilty by the court trying the case without a jury of the offense(s) of

SECTION 1: Judgment of Guilt

The court hereby adjudges you to be guilty of the above offense(s).

Now, therefore, it is ordered and adjudged that you be placed on community control for a period

of _____ under the supervision of the Department of Corrections, subject to Florida law.

SECTION 2: Order Withholding Adjudication

Now, therefore, it is ordered and adjudged that the adjudication of guilt is hereby withheld and that you be placed on Community Control for a period of _____ under the supervision of the Department of Corrections, subject to Florida law.

SECTION 3: Community Control During Portion Of Sentence

It is hereby ordered and adjudged that you be

committed to the Department of Corrections

confined in the County Jail

for a term of _____ with credit for _____ jail time. After you have served _____ of the term, you shall be placed on community control for a period of _____ under the supervision of the Department of Corrections, subject to Florida law.

confined in the County Jail

for a term of _____ with credit for _____ jail time, as a special condition of community control.

It is further ordered that you shall comply with the following conditions of community control during the community control period.

- (1) Not later than the fifth day of each month, you will make a full and truthful report to your officer on the form provided for that purpose.
- (2) You will pay the State of Florida the amount of \$ _____ per month toward the cost of your supervision, unless otherwise waived in compliance with Florida Statutes.
- (3) You will not change your residence or employment or leave the county of your residence without first procuring the consent of your officer.
- (4) You will not possess, carry, or own any firearm. You will not possess, carry, or own other weapons without first procuring the consent of your officer.
- (5) You will live without violating the law. A conviction in a court of law shall not be necessary for such a violation to constitute a violation of your community control.
- (6) You will not associate with any person engaged in any criminal activity.
- (7) You will not use intoxicants to excess or possess any drugs or narcotics unless prescribed

by a physician. Nor will you visit places where intoxicants, drugs, or other dangerous substances are unlawfully sold, dispensed, or used.

(8) You will work diligently at a lawful occupation, advise your employer of your community control status, and support any dependents to the best of your ability as directed by your officer.

(9) You will promptly and truthfully answer all inquiries directed to you by the court or your officer and allow your officer to visit in your home, at your employment site or elsewhere, and you will comply with all instructions your officer may give you.

(10) You will report to your officer at least 4 times a week, or, if unemployed full time, daily.

(11) You will perform _____ hours of public service work as directed by your officer.

(12) You will remain confined to your approved residence except for one half hour before and after your approved employment, public service work, or any other special activities approved by your officer.

(13) You will pay restitution, costs, and/or fees in accordance with the attached orders.

(14) You will report in person within 72 hours of your release from confinement to the probation office in _____ County, Florida, unless otherwise instructed by your officer. (This condition applies only if section 3 on the previous page is checked.) Otherwise, you must report immediately to the probation office located at _____ .

(15) You shall submit to the drawing of blood or other biological specimens as required by section 943.325, Florida Statutes.

(16) You shall submit to the taking of a digitized photograph as required by section 948.101, Florida Statutes.

SPECIAL CONDITIONS

You must undergo a (drug/alcohol) evaluation, and if treatment is deemed necessary, you must successfully complete the treatment.

You must undergo a mental health evaluation, and if treatment is deemed necessary, you must successfully complete the treatment.

You will submit to urinalysis, breathalyzer, or blood tests at any time requested by your officer, or the professional staff of any treatment center where you are receiving treatment, to determine possible use of alcohol, drugs, or controlled substances. You shall be required to pay for the tests unless payment is waived by your officer.

You will not associate with _____ during the period of community control.

You will not associate with other criminal gang members or associates, except as authorized by law enforcement officials, prosecutorial authorities, or the court, for the purpose of aiding in the investigation of criminal activity.

You will not contact _____ during the period of community control.

You will maintain an hourly accounting of all your activities on a daily log which you will submit to your officer on request.

You will participate in self-improvement programs as determined by the court or your officer.

You will submit to electronic monitoring of your whereabouts as required by the Florida Department of Corrections.

You will attend and successfully complete an approved batterers' intervention program.

Other

(Use the space below for additional conditions as necessary.)

You are hereby placed on notice that the court may at any time rescind or modify any of the conditions of your community control, or may extend the period of community control as authorized by law, or may discharge you from further supervision or return you to a program of regular probation supervision. If you violate any of the conditions and sanctions of your community control, you may be arrested, and the court may adjudicate you guilty if adjudication of guilt was withheld, revoke your community control, and impose any sentence that it might have imposed before placing you on community control.

It is further ordered that when you have reported to your officer and have been instructed as to the conditions of community control, you shall be released from custody if you are in custody, and if you are at liberty on bond, the sureties thereon shall stand discharged from liability. (This paragraph applies only if section 1 or section 2 is checked.)

It is further ordered that the clerk of this court file this order in the clerk's office, and forthwith provide certified copies of same to the officer for use in compliance with the requirements of law.

DONE AND ORDERED, on(date).....

Judge

I acknowledge receipt of a certified copy of this order. The conditions have been explained to me and I agree to abide by them.

.....(date).....

Community controller

Instructed by

Original: Clerk of the Court

Certified Copies: Community Controlee

Florida Department of Probation and

Corrections, Parole Service

(g) Form for Restitution Order.

In the Circuit Court,

Judicial Circuit, in and for

County, Florida

Division

Case Number

State of Florida

v.

Defendant

RESTITUTION ORDER

By appropriate notation, the following provisions apply to the sentence imposed in this section:

Restitution is not ordered as it is not applicable.

Restitution is not ordered due to the financial resources of the defendant.

Restitution is not ordered due to

Due to the financial resources of the defendant, restitution of a portion of the damages

is ordered as prescribed below.

Restitution is ordered as prescribed below.

Restitution is ordered for the following victim. (Victim refers to the aggrieved party, aggrieved party's estate, or aggrieved party's next of kin if the aggrieved party is deceased as a result of the offense. In lieu of the victim's address, the address and phone number of the prosecuting attorney, victim's attorney, or victim advocate may be used.)

Name of victim _____ Name of attorney or advocate if applicable _____

Address _____

City, State, and Zip Code _____

Phone Number (of prosecuting attorney, victim's attorney, or victim advocate) _____

The sum of \$ _____ for medical and related services and devices relating to physical, psychiatric, and psychological care, including non-medical care and treatment rendered in accordance with a recognized method of healing.

The sum of \$ _____ for necessary physical and occupational therapy and rehabilitation.

The sum of \$ _____ to reimburse the victim for income lost as a result of the offense.

The sum of \$ _____ for necessary funeral and related services if the offense resulted in bodily injury resulting in the death of the victim.

The sum of \$ _____ for damages resulting from the offense.

The sum of \$ _____ for _____

It is further ordered that the defendant fulfill restitution obligations in the following manner:

Total monetary restitution is determined to be \$ _____ to be paid at a rate of \$ _____ per (check one) month week other (specify) _____ and is to be paid (check one) through the clerk of the circuit court, to the victim's designee, or through the Department of Corrections, with an additional 4% fee of \$ _____ for handling, processing, and forwarding the restitution to the victim(s).

For which sum let execution issue.

DONE AND ORDERED at _____ County, Florida, on(date).....

Judge _____

Original: Clerk of the Court
Certified Copy: Victim