

STATE OF FLORIDA

IN THE _____ JUDICIAL CIRCUIT IN AND FOR

VS

_____ COUNTY, FLORIDA

DC No. _____

Docket/UC No. _____

Defendant

ORDER MODIFYING SENTENCE

THIS CAUSE having come before the Court with this order divided into three parts to explicitly address the modification of sentence provisions in Section 958.04(2)(d), Florida Statutes, whereby the Court may choose to modify the defendant’s sentence. Said order is divided as follows:

- Option I: Reduction in the term of incarceration (page 1);
- Option II: Reduction in the term of incarceration and modification of sentence(s) to a term of supervision (pages 1 to 2); or
- Option III: Modification of the sentence(s) to a term of supervision (page 2).

Whereupon having come before the Court on the report of the Florida Department of Corrections, made pursuant to Chapter 958, Florida Statutes, that the defendant is successfully participating in the Department’s youthful offender program, and being otherwise advised in the premises, the Court hereby finds:

That the original cause came before the Court to be heard, and the defendant, being present before the Court,

was adjudged guilty and sentenced on the _____ day of _____, A.D. in the Circuit Court of _____ County, as follows:

Now therefore, the defendant has met the standards of successful participation in the Department’s youthful offender program with satisfactory performance while in the custody of the Department, and meets the statutory requirements of Section 958.04(2)(d), Florida Statutes, for modification of the sentence imposed as provided in Chapter 958, Florida Statutes. Whereupon it is

Option I: Reduction in Term of Incarceration

ORDERED AND ADJUDGED that defendant’s original sentence is hereby modified pursuant to Section 958.04(2)(d), Florida Statutes, and the term of the incarceration is hereby reduced to _____ state prison.

Option II: Reduction in Term of Incarceration and Modification of Sentence to Supervision

ORDERED AND ADJUDGED that defendant’s original sentence is hereby modified pursuant to Section 958.04(2)(d), Florida Statutes, and the term of incarceration is hereby reduced to _____ state prison followed by _____ such that the supervision, when added to the term of incarceration, does not exceed the original sentence imposed. The defendant is placed under the supervision of the Department:

- for the remainder of the prison sentence (for modification of straight prison sentence).
- for the remainder of the prison portion of the sentence followed by the probation portion of the split sentence originally imposed (for modification of prison/probation split sentence).

- for the remainder of the prison portion of the sentence following the community control portion of the split sentence originally imposed (for modification of prison/community control split sentence).
- for the remainder of the prison portion of the sentence following the community control, and prior to the probation portion of the split sentence originally imposed (for modification of prison/community control/probation split sentence).
- other.

IT IS FURTHER ORDERED that you shall comply with the conditions of supervision as provided by Florida Law and specified on pages 2 through 7.

Option III: Modification of Sentence to Term of Supervision

ORDERED AND ADJUDGED that defendant's original sentence is hereby modified pursuant to Section 958.04(2)(d), Florida Statutes, and the term of incarceration is hereby modified and the Defendant is placed on probation under the supervision of the Department:

- for the remainder of the prison sentence which is calculated by subtracting credit for time served in county jail, prison time served and the total gain time accrued from the prison sentence originally imposed (for modification of straight prison sentence).
- for the remainder of the prison portion of the sentence which is calculated by subtracting credit for time served in county jail, prison time served and the total gain time accrued from the prison sentence originally imposed followed by the probation portion of the split sentence originally imposed (for modification of prison/probation split sentence).
- for the remainder of the prison portion of the sentence which is calculated by subtracting credit for time served in county jail, prison time served and the total gain time accrued from the prison sentence originally imposed, following the community control portion of the split sentence originally imposed (for modification of prison/community control split sentence).
- for the remainder of the prison portion of the sentence which is calculated by subtracting credit for time served in county jail, prison time served and the total gain time accrued from the prison sentence originally imposed, following the community control, and prior to the probation portion of the split sentence originally imposed (for modification of prison/community control/probation split sentence).
- other.

IT IS FURTHER ORDERED that you shall comply with the conditions of supervision as provided by Florida Law and specified on pages 2 through 7.

CONDITIONS OF SUPERVISION

Standard Conditions of Probation:

1. You will report to the probation officer as directed.
2. You will pay to the State of Florida the amount of \$_____ per month, as well as a 4% surcharge, toward the cost of your supervision in accordance with s. 948.09, F.S., unless otherwise exempted in compliance with Florida Statutes.

3. You will remain in a specified place. 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 weapon without first procuring the consent of your officer.
5. You will live without violating any law. A conviction in a court of law is not necessary for such a violation to constitute a violation of your probation, community control, or any other form of court ordered supervision.
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, court costs, and/or fees in accordance with special conditions imposed or in accordance with the attached orders.
11. You will submit to random testing as directed by your officer or the professional staff of the treatment center where you are receiving treatment to determine the presence of alcohol or illegal drugs.
12. You will submit a DNA sample, as directed by your officer, for DNA analysis as prescribed in s. 943.325 and 948.014, F.S.
13. You will submit to the taking of a digitized photograph by the Department. This photograph may be displayed on the Department's website while you are on supervision, unless exempt from disclosure due to requirements of s. 119.07, F.S.
14. You will report in person within 72 hours of your release from incarceration to the probation office in _____ County, Florida, unless otherwise instructed by the court or department.

Special Conditions:

1. You must undergo a Drug and Alcohol evaluation and, if treatment is deemed necessary, you must successfully complete the treatment, and be responsible for the payment of any costs incurred while receiving said evaluation and treatment, unless waived by the court.

Additional instructions ordered: _____

2. You will make restitution to following victim(s), as directed by the court, until the obligation is paid in full:

NAME: _____

TOTAL AMOUNT: \$ _____

Additional instructions ordered, including specific monthly amount, begin date, due date, or joint & several: _____

NAME: _____

TOTAL AMOUNT: \$ _____

Additional instructions ordered, including specific monthly amount, begin date, due date, or joint & several: _____

- 3. You will be required to pay for drug testing unless exempt by the court.
- 4. You will enter the Department of Corrections Non-Secure Drug Treatment Program or other residential treatment program/Probation and Restitution Center for a period of successful completion as approved by your officer. You are to remain until you successfully complete said Program and Aftercare. You are to comply with all Rules and Regulations of the Program. You shall be confined in the county jail until placement in said program, and if you are confined in the jail, the Sheriff will transport you to said program.
- 5. You will abstain entirely from the use of alcohol and/or illegal drugs, and you will not associate with anyone who is illegally using drugs or consuming alcohol.
- 6. You will submit to urinalysis testing on a monthly basis to determine the presence of alcohol or illegal drugs. You will be required to pay for the tests unless exempt by the court.
- 7. You will not visit any establishment where the primary business is the sale and dispensing of alcoholic beverages.
- 8. You will successfully complete _____ hours of community service at a rate of _____, at a work site approved by your officer. Additional instructions ordered: _____
- 9. You will remain at your residence between 10 p.m. and 6 a.m. due to a curfew imposed, unless otherwise directed by the court.
- 10. You will submit to electronic monitoring, follow the rules of electronic monitoring, and pay \$ _____ per month for the cost for the electronic monitoring service.
- 11. You will not associate with _____ during the period of supervision.
- 12. You will have no contact (direct or indirect) with the victim or the victim's family during the period of supervision.
- 13. You will have no contact (direct or indirect) with _____ during the period of supervision.
- 14. You will maintain full time employment or attend school/vocational school full time or a combination of school/work during the term of your supervision.
- 15. You will make a good faith effort toward completing basic or functional literacy skills or a high school equivalency diploma.

- 16. You will successfully complete the Probation & Restitution Program, abiding by all rules and regulations.
- 17. You will attend Alcoholics Anonymous or Narcotics Anonymous meetings at least monthly, unless otherwise directed by the court.
- 18. You must successfully complete Anger Management and be responsible for the payment of any costs incurred while receiving said treatment, unless waived. If convicted of a Domestic Violence offense, as defined in s. 741.28, F.S., you must attend and successfully complete a batterer's intervention program, unless otherwise directed by the court.

Additional instructions ordered: _____

- 19. You will attend an HIV/AIDS Awareness Program consisting of a class of not less than two (2) hours or more than four (4) hours in length, the cost for which will be paid by you.
- 20. If you have been found to have committed a crime on or after October 1, 2008, for the purpose of benefitting, promoting, or furthering the interests of a criminal gang, you are prohibited from knowingly associating 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.
- 21. Other: You will successfully complete a Post-adjudicatory treatment-based drug court program, as provided in s. 397.334(3), F.S.
- 22. Other: _____
- 23. Other: _____
- 24. Other: _____
- 25. Other: _____
- 26. Other: _____
- 27. Other: _____
- 28. Other: _____
- 29. Other: _____

AND, IF PLACED ON DRUG OFFENDER PROBATION, YOU WILL COMPLY WITH THE FOLLOWING CONDITIONS OF SUPERVISION IN ADDITION TO THE STANDARD CONDITIONS LISTED ABOVE AND ANY OTHER SPECIAL CONDITIONS ORDERED BY THE COURT:

- 15. You will participate in a specialized drug treatment program, either as an in-patient or out patient, as recommended by the treatment provider. You will attend all counseling sessions, submit to random urinalysis and, if an in-patient, you will comply with all operating rules, regulations and procedures of the treatment facility. You will pay for all costs associated with treatment and testing unless otherwise directed.

Additional instructions ordered: _____

16. You will remain at your residence between _____ p.m. and _____ a.m. due to a curfew imposed, unless otherwise directed by the court.
17. You will successfully complete a Post-adjudicatory treatment-based drug court program, as provided in s. 397.334(3), F. S.

AND, IF PLACED ON COMMUNITY CONTROL, YOU WILL COMPLY WITH THE FOLLOWING CONDITIONS, IN ADDITION TO THE STANDARD CONDITIONS LISTED ABOVE AND ANY OTHER SPECIAL CONDITIONS ORDERED BY THE COURT:

15. You will report to your officer as directed, at least one time a week, unless you have written consent otherwise.
16. 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.
17. You will maintain an hourly accounting of all your activities on a daily log, which you will submit to your officer on request.
18. You will successfully complete _____ hours of community service at a rate of _____, at a work site approved by your officer.

Additional instructions ordered: _____

19. You will submit to electronic monitoring, follow the rules of electronic monitoring, and pay \$_____ per month for the cost of the electronic monitoring service.

Effective for offenders whose crime was committed on or after September 1, 2005, there is hereby imposed, in addition to any other provision in this sections, mandatory electronic monitoring as a condition of supervision for those who:

- Are placed on supervision for a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older; or
- Are designated as a sexual predator pursuant to s. 775.21; or
- Has previously been convicted of a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older.

You are hereby placed on notice that should you violate your probation or community control, and the conditions set forth in s. 948.063(1) or (2) are satisfied, whether your probation or community control is revoked or not revoked, you shall be placed on electronic monitoring in accordance with F. S. 948.063.

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 discharge you from further supervision, and that if you violate any of the conditions of your probation, you may be arrested and the Court may revoke your probation and impose any sentence which it might have imposed before placing you on probation.

It is further ordered that the Clerk of the Court file this order in the official records of the Court and provide certified copies of the order to the Department of Corrections for its use in carrying out its duties as required by law.

Charges/costs/fees/restitution/all payments ordered by the court must be in money order only, payable to Department of Corrections, surcharge of 4% will be added to all payments ordered by the court.

DONE AND ORDERED, this _____ day of _____
A.D. _____

Judge Presiding

A certified copy of this order has been delivered to aforesaid, who has been instructed regarding same.

This _____ day of _____, A.D. _____.

Officer

Original: Clerk of Court
Copies: Offender file
Offender