

**IN THE COUNTY COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA  
CRIMINAL DIVISION**

STATE OF FLORIDA

CASE NO.: \_\_\_\_\_

VS.

DIVISION: \_\_\_\_\_

\_\_\_\_\_  
(Print name)

**PLEA FORM AND WAIVER OF RIGHTS**

**BEING DULY SWORN, THE DEFENDANT, IN OPEN COURT,**

(Write in your plea of either **guilty** or **no contest**): \_\_\_\_\_

Defendant further acknowledges the following in open court:

**I AM REPRESENTED BY AN ATTORNEY**, and this plea is entered after full consultation. I have no complaints against or dissatisfaction with the services of my attorney.

**ATTORNEY:** \_\_\_\_\_

**PLEA AGREEMENT:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Furthermore, I have reviewed all of the following information with my attorney:**

**RIGHT TO REMAIN SILENT:** I understand that I have a right not to testify or be compelled to incriminate myself in this/these case(s). By entering this plea, I am giving up my right to remain silent. I voluntarily agree to freely speak to the Judge about the facts leading to my arrest.

**VOLUNTARINESS:** This plea is the result of my own free will. I am not under the influence of any drugs, alcohol, or medication which is affecting my ability to understand these proceedings. No one is using any force, or threatening me in any way, in order to get me to enter a plea today. Nothing is affecting my ability to think clearly.

RIGHT TO DEMAND TRIAL: I understand that I may demand a trial by Judge or by jury. During a trial, the State will have to call witnesses and introduce evidence. My attorney and I can cross-examine each of the state's witnesses and object to their evidence. I can call my own witnesses and introduce my own evidence. If necessary, the Court will use its powers to make sure my witnesses show up in court. In a trial by jury, my attorney and I will have an opportunity to question members of the public with valid driver's licenses, six of whom will be chosen. Each and all of these jurors will have to find me guilty before the Judge can sentence me. By entering this plea, I acknowledge that I am waiving my right to a jury or non-jury trial. Also, I am giving up my right to face the people who are accusing me of this crime and to cross examine them. I am also giving up my right to present any defenses I may have in this case and to present any witnesses or testimony on my behalf.

BURDEN OF PROOF: I understand that I am presumed innocent and the State has the burden of proving my guilt to the exclusion of and beyond a reasonable doubt.

CHARGES AND SENTENCE: Each of my charges and my sentence in each charge has been fully explained to me. I know that I can reject the sentence and demand a trial. However, I wish to accept the sentence in exchange for my plea.

FINALITY: Pleading guilty or no contest is the same as if I went to trial and the verdict was guilty. I understand that there will be no further trial of any kind in this/these case(s).

RIGHT TO APPEAL: I may appeal my case(s) within thirty (30) days of my sentence. Unless I expressly reserve my right to appeal, I understand that I am giving up my right to appeal all matters relating to the Court's judgment, including the issue of my guilt or innocence. However, this does not impair my right to review by appropriate collateral attack.

#### ENHANCED PENALTIES

ENHANCEMENTS: I understand this plea can be used to enhance any future charges or offenses in this or any other jurisdiction, including but not limited to:

DUI: Two (2) prior DUI convictions may cause this to become a felony offense resulting in a prison sentence.

DWLS: Three (3) or more DWLS convictions, within a five-year period, may result in Habitual Traffic Offender Penalties, including a five (5) year revocation of my driver's license, and/or may cause this to become a felony offense, resulting in a prison sentence.

THEFT: Two (2) prior theft convictions may cause this to become a felony offense, resulting in a prison sentence.

**OTHER CONSEQUENCES I UNDERSTAND MAY ARISE AS A RESULT OF THIS PLEA:**

IMPOUNDMENT: The vehicle I was driving may be impounded or seized by Law Enforcement.

COST OF INVESTIGATION: I would have to pay cost of investigation to Law Enforcement.

RESTITUTION: I agree to pay restitution with the amount to be determined at a later date.

FIREARMS: My ability to own or carry firearms may be affected.

DRUG CHARGES: May affect my future ability to obtain all forms of government assistance, including housing and student loans, and may result in a suspension of my driver's license for up to two (2) years.

DRIVER'S LICENSE SUSPENSION: The Department of Highway Safety and Motor Vehicles will be notified of this plea and this may result in further suspension of my driver's license for an unknown period all based on my points and driving record.

PROBATION: If I am on probation or parole, this plea may be good cause for a violation. If I willfully and substantially violate the terms and conditions of my probation, I can receive the maximum jail time on the underlying charge for which I was placed on probation.

DEPORTATION: I understand that if I am not a citizen of the United States and I plead guilty or nolo contendere (no contest) and the Court accepts my plea, regardless of whether adjudication of guilt is withheld, my plea and the Court's acceptance of my plea may have the additional consequence of changing my immigration status, including DEPORTATION or REMOVAL from the United States. I understand that I should consult with my attorney if I need additional information concerning potential immigration consequences of my plea. I understand that if I have not discussed the potential immigration consequences with my attorney, the Court, will, upon my request, allow a reasonable amount of time for me to consider the appropriateness of my plea in light of the advisement in this section.

SEXUALLY VIOLENT OFFENSES: I understand if I have been previously convicted of a sexually violent offense, this plea may subject me to involuntary civil commitment as a sexually violent predator.

PUBLIC DEFENDER FEE: I understand that the Court may impose a \$50.00 fee for the services of the Public Defender's Office. I further understand that I have the right to a hearing pursuant to Rule 3.720 (d) (1) to contest the imposition of this fee. I am waiving my right to this hearing.

**GENERAL MISDEMEANOR PENALTIES**

<b>DEGREE OF MISDEMEANOR</b>	<b>COUNTY JAIL TIME</b>	<b>FINES</b>
SECOND DEGREE	UP TO 60 DAYS	UP TO \$500 & COURT COSTS
FIRST DEGREE	UP TO ONE (1) YEAR	UP TO \$1000 & COURT COSTS

**IGNITION INTERLOCK**

Beginning February 1, 2004, all second and third DUI convictions will require "P" restriction on the individual's driver license designating the requirements for an ignition interlock device. Section 316.193, Florida Statutes, requires ignition interlock devices to be installed on the vehicles of persons convicted of DUI.

<b>DUI CONVICTION</b>	<b>IGNITION INTERLOCK REQUIREMENT</b>
FIRST CONVICTION	IF COURT ORDERED
FIRST CONVICTION (IF 0.15 OR HIGHER BREATH OR BLOOD ALCOHOL LEVEL, OR MINOR IN CAR)	AT LEAST 6 CONTINUOUS MONTHS
SECOND CONVICTION	AT LEAST 1 CONTINUOUS YEAR
SECOND CONVICTION (IF 0.15 OR HIGHER BREATH OR BLOOD ALCOHOL LEVEL, OR MINOR IN CAR)	AT LEAST 2 CONTINUOUS YEARS
THIRD CONVICTION	AT LEAST 2 CONTINUOUS YEARS

My signature indicates I have read this entire plea form with my attorney and understand all the ramifications regarding my plea.

\_\_\_\_\_  
DEFENDANT (Signature)

\_\_\_\_\_  
DATE