

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice  
 2 Subcommittee  
 3 Representative Perry offered the following:

**Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:  
 7 Section 1. Subsection (5) of section 910.035, Florida  
 8 Statutes, is amended to read:

9 910.035 Transfer from county for plea, ~~and~~ sentence, or  
 10 participation in a problem-solving court.-

11 (5) (a) For purposes of this subsection, the term "problem-  
 12 solving court" means a drug court pursuant to s. 948.01, s.  
 13 948.06, s. 948.08, s. 948.16, or s. 948.20; a veterans' court  
 14 pursuant to s. 394.47891, s. 948.08, s. 948.16, or s. 948.21; or  
 15 a mental health court.

16 (b) Any person eligible for participation in a problem-  
 17 solving ~~drug~~ court shall, upon request by the person or a court,

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18 ~~treatment program pursuant to s. 948.08(6) may be eligible to~~  
19 ~~have the case transferred to a county other than that in which~~  
20 ~~the charge arose if the defendant agrees to the transfer and the~~  
21 ~~drug court program agrees and if the following conditions are~~  
22 ~~met:~~

23 ~~(a) The authorized representative of the trial drug court~~  
24 ~~program of the county requesting to transfer the case shall~~  
25 ~~consults with the authorized representative of the problem-~~  
26 ~~solving drug court program in the county to which transfer is~~  
27 ~~desired, and both representatives agree to the transfer.~~

28 ~~(c)(b) If all parties agree to the transfer as required by~~  
29 ~~paragraph (b), approval for transfer is received from all~~  
30 ~~parties, the trial court shall accept a plea of nolo contendere~~  
31 ~~and enter a transfer order directing the clerk to transfer the~~  
32 ~~case to the county which has accepted the defendant into its-~~  
33 ~~problem solving drug court program.~~

34 ~~(d)1.(e) When transferring a pretrial problem-solving~~  
35 ~~court case, The transfer order shall include a copy of the~~  
36 ~~probable cause affidavit; any charging documents in the case;~~  
37 ~~all reports, witness statements, test results, evidence lists,~~  
38 ~~and other documents in the case; the defendant's mailing address~~  
39 ~~and phone number; and the defendant's written consent to abide~~  
40 ~~by the rules and procedures of the receiving county's problem-~~  
41 ~~solving drug court program.~~

42 ~~2. When transferring a postadjudicatory problem-solving~~  
43 ~~court case, the transfer order shall include a copy of the~~

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44 charging documents in the case; the final disposition; all  
45 reports, test results, and other documents in the case; the  
46 defendant's mailing address and phone number; and the  
47 defendant's written consent to abide by the rules and procedures  
48 of the receiving county's problem-solving court.

49 ~~(e)(d)~~ After the transfer takes place, the clerk shall set  
50 the matter for a hearing before the problem-solving drug court  
51 ~~program judge and the court shall to~~ ensure the defendant's  
52 entry into the problem-solving drug court program.

53 ~~(f)(e)~~ Upon successful completion of the problem-solving  
54 ~~drug~~ court program, the jurisdiction to which the case has been  
55 transferred shall dispose of the case ~~pursuant to s. 948.08(6)~~.  
56 If the defendant does not complete the problem-solving drug  
57 court program successfully, the jurisdiction to which the case  
58 has been transferred shall dispose of the case within the  
59 guidelines of the Criminal Punishment Code.

60 Section 2. This act shall take effect July 1, 2015.

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63 **T I T L E A M E N D M E N T**

64 Remove everything before the enacting clause and insert:  
65 An act relating to defendants in specialized courts; amending s.  
66 910.035, F.S.; providing a definition; requiring a trial court  
67 to transfer certain criminal cases involving participants in  
68 specified programs to another jurisdiction having such a program  
69 under certain conditions; providing an effective date.