

1                                   A bill to be entitled  
 2           An act relating to defendants in specialized courts;  
 3           amending s. 910.035, F.S.; providing a definition;  
 4           authorizing a trial court to transfer certain criminal  
 5           cases involving participants in specified programs to  
 6           another jurisdiction having such a program under  
 7           certain conditions; providing an effective date.

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 9   Be It Enacted by the Legislature of the State of Florida:

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 11           Section 1. Subsection (5) of section 910.035, Florida  
 12           Statutes, is amended to read:

13           910.035 Transfer from county for plea and sentence or  
 14           participation in a problem-solving court.—

15           (5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING  
 16           COURT.—For purposes of this subsection, the term "problem-  
 17           solving court" means a drug court pursuant to s. 948.01, s.  
 18           948.06, s. 948.08, s. 948.16, or s. 948.20; a veterans' court  
 19           pursuant to s. 394.47891, s. 948.08, s. 948.16, or s. 948.21; or  
 20           a mental health court. Any person eligible for participation in  
 21           a problem-solving ~~drug court treatment program pursuant to s.~~  
 22           ~~948.08(6)~~ may be eligible to have the case transferred to a  
 23           county other than that in which the charge arose if the problem-  
 24           solving ~~drug court program~~ agrees and if the following  
 25           conditions are met:

26           (a) The authorized representative of the problem-solving

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27 ~~drug court program~~ of the county requesting to transfer the case  
28 shall consult with the authorized representative of the problem-  
29 solving drug court program in the county to which transfer is  
30 desired.

31 (b) If approval for transfer is received from all parties,  
32 the trial court shall accept, in the case of a pretrial problem-  
33 solving court, a plea of nolo contendere and enter a transfer  
34 order directing the clerk to transfer the case to the county  
35 which has accepted the defendant into its problem-solving drug  
36 court program.

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

45 (d) After the transfer takes place, the clerk shall set  
46 the matter for a hearing before the problem-solving drug ~~drug~~ court  
47 ~~program~~ judge, and the court shall ensure the defendant's entry  
48 into the problem-solving drug ~~drug~~ court ~~program.~~

49 (e) Upon successful completion of the problem-solving drug  
50 ~~drug~~ court ~~program,~~ the jurisdiction to which the case has been  
51 transferred shall dispose of the case ~~pursuant to s. 948.08(6).~~  
52 If the defendant does not complete the problem-solving drug

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53 | court ~~program~~ successfully, the jurisdiction to which the case  
54 | has been transferred shall dispose of the case within the  
55 | guidelines of the Criminal Punishment Code.

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