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   requiring 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<u>,</u> <s>and</s> sentence<u>, or</u>

14   <u>participation in a problem-solving court</u>.—

15   (5) <u>TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING</u>

16   <u>COURT</u>.—

17   (a) <u>For purposes of this subsection, the term "problem-</u>

18   <u>solving court" means a drug court pursuant to s. 948.01, s.</u>

19   <u>948.06, s. 948.08, s. 948.16, or s. 948.20; a veterans' court</u>

20   <u>pursuant to s. 394.47891, s. 948.08, s. 948.16, or s. 948.21; or</u>

21   <u>a mental health court.</u>

22   <u>(b)</u> Any person eligible for participation in a <u>problem-</u>

23   <u>solving</u> <s>drug</s> court <u>shall, upon request by the person or a court,</u>

24   <s>treatment program pursuant to s. 948.08(6) may be eligible to</s>

25   have the case transferred to a county other than that in which

26   the charge arose if <u>the person agrees to the transfer,</u> <s>the drug</s>

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27 court program agrees and if the following conditions are met:

28   (a) the authorized representative of the trial drug court

29 consults program of the county requesting to transfer the case

30 shall consult with the authorized representative of the problem-

31 solving drug court program in the county to which transfer is

32 desired, and both representatives agree to the transfer.

33   (c)(b) If all parties agree to the transfer as required by

34 paragraph (b), approval for transfer is received from all

35 parties, the trial court shall accept a plea of nolo contendere

36 and enter a transfer order directing the clerk to transfer the

37 case to the county which has accepted the defendant into its

38 problem-solving drug court program.

39   (d)1.(c) When transferring a pretrial problem-solving

40 court case, the transfer order shall include a copy of the

41 probable cause affidavit; any charging documents in the case;

42 all reports, witness statements, test results, evidence lists,

43 and other documents in the case; the defendant's mailing address

44 and telephone phone number; and the defendant's written consent

45 to abide by the rules and procedures of the receiving county's

46 problem-solving drug court program.

47   2. When transferring a postadjudicatory problem-solving

48 court case, the transfer order shall include a copy of the

49 charging documents in the case; the final disposition; all

50 reports, test results, and other documents in the case; the

51 defendant's mailing address and telephone number; and the

52 defendant's written consent to abide by the rules and procedures

53 | of the receiving county's problem-solving court.
54 | (e)(d) After the transfer takes place, the receiving clerk
55 | shall set the matter for a hearing before the problem-solving
56 | drug court in the receiving jurisdiction to program judge and
57 | the court shall ensure the defendant's entry into the problem-
58 | solving drug court program.
59 | (f)(e) Upon successful completion of the problem-solving
60 | drug court program, the jurisdiction to which the case has been
61 | transferred shall dispose of the case pursuant to s. 948.08(6).
62 | If the defendant does not complete the problem-solving drug
63 | court program successfully, the jurisdiction to which the case
64 | has been transferred shall dispose of the case within the
65 | guidelines of the Criminal Punishment Code.
66 | Section 2. This act shall take effect July 1, 2015.

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