

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, ~~and sentence,~~ or
 14 participation in a problem-solving court.-

15 (5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING
 16 COURT.-

17 (a) For purposes of this subsection, the term "problem-
 18 solving court" means a drug court pursuant to s. 948.01, s.
 19 948.06, s. 948.08, s. 948.16, or s. 948.20; a veterans' court
 20 pursuant to s. 394.47891, s. 948.08, s. 948.16, or s. 948.21; or
 21 a mental health court.

22 (b) Any person eligible for participation in a problem-
 23 solving ~~drug~~ court shall, upon request by the person or a court,
 24 treatment program pursuant to s. 948.08(6) may be eligible to
 25 have the case transferred to a county other than that in which
 26 the charge arose if the person agrees to the transfer, the drug

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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.(e)~~ 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 clerk shall set
55 the matter for a hearing before the problem-solving ~~drug~~ court
56 to program judge and the court shall ensure the defendant's
57 entry into the problem-solving ~~drug~~ court ~~program~~.

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

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