

ENROLLED

CS/CS/HB 1069

2015 Legislature

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An act relating to defendants in specialized courts;  
amending s. 910.035, F.S.; providing a definition;  
requiring a trial court to transfer certain criminal  
cases involving participants in specified programs to  
another jurisdiction having such a program under  
certain conditions; providing an effective date.

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

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

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

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

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

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

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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.(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

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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.