

By the Committee on Fiscal Policy; and Senator Bradley

594-04429-15

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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 COURT.-

16 (a) 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.

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

27 (a) the authorized representative of the trial drug court
 28 consults ~~program of the county requesting to transfer the case~~
 29 ~~shall consult~~ with the authorized representative of the problem-

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30 solving drug court program in the county to which transfer is
31 desired, and both representatives agree to the transfer.

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

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

46 2. When transferring a postadjudicatory problem-solving
47 court case, the transfer order shall include a copy of the
48 charging documents in the case; the final disposition; all
49 reports, test results, and other documents in the case; the
50 defendant's mailing address and telephone number; and the
51 defendant's written consent to abide by the rules and procedures
52 of the receiving county's problem-solving court.

53 (e)(d) After the transfer takes place, the receiving clerk
54 shall set the matter for a hearing before the problem-solving
55 drug court in the receiving jurisdiction to program judge and
56 the court shall ensure the defendant's entry into the problem-
57 solving drug court program.

58 (f)(e) Upon successful completion of the problem-solving

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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.