

By Senator Bradley

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1                   A bill to be entitled  
2       An act relating to problem-solving courts; amending s.  
3       910.035, F.S.; defining the term "problem-solving  
4       court"; authorizing a person eligible for  
5       participation in a problem-solving court to transfer  
6       his or her case to another county's problem-solving  
7       court under certain circumstances; making technical  
8       changes; providing an effective date.

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

11  
12       Section 1. Section 910.035, Florida Statutes, is amended to  
13   read:

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

16       (1) INDICTMENT OR INFORMATION PENDING.-A defendant arrested  
17   or held in a county other than that in which an indictment or  
18   information is pending against him or her may state in writing  
19   that he or she wishes to plead guilty or nolo contendere, to  
20   waive trial in the county in which the indictment or information  
21   is pending, and to consent to disposition of the case in the  
22   county in which the defendant was arrested or is held, subject  
23   to the approval of the prosecuting attorney of the court in  
24   which the indictment or information is pending. Upon receipt of  
25   the defendant's statement and the written approval of the  
26   prosecuting attorney, the clerk of the court in which the  
27   indictment or information is pending shall transmit the papers  
28   in the proceeding, or certified copies thereof, to the clerk of  
29   the court of competent jurisdiction for the county in which the

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30 defendant is held, and the prosecution shall continue in that  
31 county upon the information or indictment originally filed. In  
32 the event a fine is imposed upon the defendant in that county,  
33 two-thirds thereof shall be returned to the county in which the  
34 indictment or information was originally filed.

35 (2) INDICTMENT OR INFORMATION NOT PENDING.—A defendant  
36 arrested on a warrant issued upon a complaint in a county other  
37 than the county of arrest may state in writing that he or she  
38 wishes to plead guilty or nolo contendere, to waive trial in the  
39 county in which the warrant was issued, and to consent to  
40 disposition of the case in the county in which the defendant was  
41 arrested, subject to the approval of the prosecuting attorney of  
42 the court in which the indictment or information is pending.  
43 Upon receipt of the defendant's statement and the written  
44 approval of the prosecuting attorney, and upon the filing of an  
45 information or the return of an indictment, the clerk of the  
46 court from which the warrant was issued shall transmit the  
47 papers in the proceeding, or certified copies thereof, to the  
48 clerk of the court of competent jurisdiction in the county in  
49 which the defendant was arrested, and the prosecution shall  
50 continue in that county upon the information or indictment  
51 originally filed.

52 (3) EFFECT OF NOT GUILTY PLEA.—If, after the proceeding has  
53 been transferred pursuant to subsection (1) or subsection (2),  
54 the defendant pleads not guilty, the clerk shall return the  
55 papers to the court in which the prosecution was commenced, and  
56 the proceeding shall be restored to the docket of that court.  
57 The defendant's statement that he or she wishes to plead guilty  
58 or nolo contendere shall not be used against the defendant.

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59 (4) APPEARANCE IN RESPONSE TO A SUMMONS.—For the purpose of  
60 initiating a transfer under this section, a person who appears  
61 in response to a summons shall be treated as if he or she had  
62 been arrested on a warrant in the county of such appearance.

63 (5) TRANSFERS FOR PARTICIPATION IN A PROBLEM-SOLVING  
64 COURT.—For purposes of this subsection, the term “problem-  
65 solving court” means a drug court pursuant to s. 948.01, s.  
66 948.06, s. 948.08, s. 948.16, or s. 948.20; a veterans’ court  
67 pursuant to s. 394.47891, s. 948.08, s. 948.16, or s. 948.21; or  
68 a mental health court. A ~~Any~~ person eligible for participation  
69 in a problem-solving drug court treatment program pursuant to s.  
70 ~~948.08(6)~~ may be eligible to have the case transferred to a  
71 county other than that in which the charge arose if the problem-  
72 solving drug court program agrees and these procedures ~~if the~~  
73 ~~following conditions~~ are met:

74 (a) The authorized representative of the problem-solving  
75 ~~drug court program~~ of the county requesting to transfer the case  
76 shall consult with the authorized representative of the problem-  
77 solving drug court program in the county to which transfer is  
78 desired.

79 (b) If approval for transfer is received from all parties,  
80 the trial court must ~~shall~~ accept, in the case of a pretrial  
81 problem-solving court, a plea of nolo contendere and enter a  
82 transfer order directing the clerk to transfer the case to the  
83 county that ~~which~~ has accepted the defendant into its problem-  
84 solving drug court program.

85 (c) The transfer order must ~~shall~~ include a copy of the  
86 probable cause affidavit, in the case of a pre-trial problem-  
87 solving court; any charging or sentencing documents in the case;

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88 all reports, witness statements, test results, evidence lists,  
89 and other documents in the case; the defendant's mailing address  
90 and phone number; and the defendant's written consent to abide  
91 by the rules and procedures of the receiving county's problem-  
92 solving drug court ~~program~~.

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

97 (e) Upon successful completion of the problem-solving drug  
98 court ~~program~~, the jurisdiction to which the case has been  
99 transferred shall dispose of the case ~~pursuant to s. 948.08(6)~~.  
100 If the defendant does not complete the problem-solving drug  
101 court ~~program~~ successfully, the jurisdiction to which the case  
102 has been transferred shall dispose of the case within the  
103 guidelines of the Criminal Punishment Code.

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