

## CHAPTER 2015-178

### Committee Substitute for Committee Substitute for House Bill No. 1069

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 court program agrees and if the following conditions are met:

(a) the authorized representative of the trial drug court consults program of the county requesting to transfer the case shall consult with the authorized representative of the problem-solving drug court program in the county to which transfer is desired, and both representatives agree to the transfer.

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

(d)1.(e) When transferring a pretrial problem-solving court case, the transfer order shall include a copy of the probable cause affidavit; any charging documents in the case; all reports, witness statements, test results, evidence lists, and other documents in the case; the defendant’s mailing address and telephone phone number; and the defendant’s written consent to

abide by the rules and procedures of the receiving county's problem-solving drug court program.

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

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

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

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

Approved by the Governor June 16, 2015.

Filed in Office Secretary of State June 16, 2015.