



443426

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

Floor: 11/AD/3R

04/24/2015 12:52 PM

Senator Garcia moved the following:

1 **Senate Amendment to Amendment (902964) (with title**
2 **amendment)**

3
4 Between lines 3472 and 3473
5 insert:

6 Section 34. Subsection (5) of section 910.035, Florida
7 Statutes, is amended to read:

8 910.035 Transfer from county for plea, and sentence, or
9 participation in a problem-solving court.-

10 (5) PROBLEM-SOLVING COURTS.-

11 (a) As used in this subsection, the term "problem-solving



443426

12 court" means a drug court pursuant to s. 948.01, s. 948.06, s.
13 948.08, s. 948.16, or s. 948.20; a military veterans and
14 servicemembers court pursuant to s. 394.47891, s. 948.08, s.
15 948.16, or s. 948.21; a mental health court pursuant to s.
16 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16; or a
17 delinquency pretrial intervention court program pursuant to s.
18 985.345.

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

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

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

37 (d)1.(e) When transferring a pretrial problem-solving court
38 case, the transfer order shall include a copy of the probable
39 cause affidavit; any charging documents in the case; all
40 reports, witness statements, test results, evidence lists, and



443426

41 other documents in the case; the defendant's mailing address and
42 telephone phone number; and the defendant's written consent to
43 abide by the rules and procedures of the receiving county's
44 problem-solving drug court program.

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

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

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

63 Section 35. Subsection (5) of section 916.106, Florida
64 Statutes, is amended to read:

65 916.106 Definitions.—For the purposes of this chapter, the
66 term:

67 (5) "Court" means the circuit court and a county court
68 ordering the conditional release of a defendant as provided in
69 s. 916.17.



443426

70 Section 36. Subsection (1) of section 916.17, Florida
71 Statutes, is amended to read:

72 916.17 Conditional release.—

73 (1) Except for an inmate currently serving a prison
74 sentence, the committing court may order a conditional release
75 of any defendant in lieu of an involuntary commitment to a
76 facility pursuant to s. 916.13 or s. 916.15 based upon an
77 approved plan for providing appropriate outpatient care and
78 treatment. A county court may order the conditional release of a
79 defendant for purposes of the provision of outpatient care and
80 treatment only. Upon a recommendation that outpatient treatment
81 of the defendant is appropriate, a written plan for outpatient
82 treatment, including recommendations from qualified
83 professionals, must be filed with the court, with copies to all
84 parties. Such a plan may also be submitted by the defendant and
85 filed with the court with copies to all parties. The plan shall
86 include:

87 (a) Special provisions for residential care or adequate
88 supervision of the defendant.

89 (b) Provisions for outpatient mental health services.

90 (c) If appropriate, recommendations for auxiliary services
91 such as vocational training, educational services, or special
92 medical care.

93
94 In its order of conditional release, the court shall specify the
95 conditions of release based upon the release plan and shall
96 direct the appropriate agencies or persons to submit periodic
97 reports to the court regarding the defendant's compliance with
98 the conditions of the release and progress in treatment, with



443426

99 copies to all parties.

100

101 ===== T I T L E A M E N D M E N T =====

102 And the title is amended as follows:

103 Delete line 5772

104 and insert:

105 state; amending s. 910.035, F.S.; defining the term
106 "problem-solving court"; authorizing a person eligible
107 for participation in a problem-solving court to
108 transfer his or her case to another county's problem-
109 solving court under certain circumstances; making
110 technical changes; amending s. 916.106, F.S.;
111 redefining the term "court" to include county courts
112 in certain circumstances; amending s. 916.17, F.S.;
113 authorizing a county court to order the conditional
114 release of a defendant for the provision of outpatient
115 care and treatment; creating s. 916.185, F.S.;
116 providing