

IN THE SUPREME COURT OF FLORIDA

**IN RE: REPORT OF THE
TASK FORCE ON
TREATMENT-BASED
DRUG COURTS**

CASE NO.: SC06-434

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**JUVENILE COURT RULES COMMITTEE’S RESPONSE
CONCERNING PROPOSED AMENDMENTS SUBMITTED BY
THE TASK FORCE ON TREATMENT-BASED DRUG COURTS**

Mary Katherine Wimsett, Chair, Juvenile Court Rules Committee, and John F. Harkness, Jr., Executive Director, The Florida Bar, file this response to proposed amendments submitted by the Task Force on Treatment-Based Drug Courts (“Task Force”).

The Task Force on Treatment-Based Drug Courts was reconstituted by Administrative Order AOSC 04-27 on July 26, 2004. Since then, the Task Force has worked on a number of issues regarding drug courts, including refinement of the process, the development of minimum standards for juvenile and dependency drug courts, and best practices for adult and juvenile drug courts. On July 26, 2006, the Task Force filed an Amended Petition of the Task Force on the Treatment-Based Drug Courts to Adopt Recommendations. Pursuant to the Amended Petition, the Task Force requests that the Supreme Court adopt several amendments to the Florida

Rules of Court, including amendments to *Fla. R. Juv. P.* 8.010, 8.115, 8.160, and 8.160.

On September 14, 2006, the Juvenile Court Rules Committee met and discussed the proposed amendments. After careful consideration and deliberation, and upon subsequent vote, the Committee supports the Task Force's proposed amendments to *Rules* 8.115, 8.160, and 8.250 and opposes the Task Force's proposed amendment to *Rule* 8.010.

Concerning *Rule* 8.010 (Detention Hearing) the Task Force proposes a new subdivision (f)(3) requiring the court to consider the nature and circumstances of the offense charged, the child's need for substance abuse evaluation and/or treatment, and the child's mental condition. The Committee opposes this amendment by a vote of 16-10-2 and is concerned that it is in conflict with section 985.21(4)(a)2, Florida Statutes (2005) (renumbered as section 985.145(1)(g), Florida Statutes, effective January 1, 2007).

Concerning *Rule* 8.250 (Examinations, Evaluations, and Treatment) the Task Force proposes an amendment to the rule providing for substance abuse evaluations or assessments to be performed after an adjudication of dependency or a finding of dependency when adjudication is withheld. The Committee supports this amendment by a vote of 24-0-0 and is submitting a

similar amendment with the Committee's fast-track package to be filed by November 1, 2006.

Concerning *Rule* 8.115 (Disposition Hearing) the Task Force proposes an amendment to the rule that would require the court to consider the child's need for substance abuse evaluation and/or treatment. The Committee supports this amendment by a vote of 26-0-1.

Concerning *Rule* 8.160 (Transfer of Cases) the Task Force proposes an amendment allowing a child to file a motion to withdraw the plea upon successful completion of the juvenile drug court treatment program after previously pleading guilty or nolo contendere for the purpose of transferring the case pursuant to section 910.035, Florida Statutes. The Committee supports this amendment by a vote of 27-0-1.

WHEREFORE, the Juvenile Court Rules Committee respectfully requests that this Court amend *Fla. R. Juv. P.* 8.115, 8.160, and 8.250 as proposed by the Task Force, and decline to amend *Rule* 8.010.

Respectfully submitted _____.

MARY KATHERINE WIMSETT

Chair

Juvenile Court Rules Committee

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was provided by mail to Terry D. Terrell, Chair of The Task Force on Treatment-Based Drug Courts, M.C. Blanchard Judicial Bldg., 190 Governmental Center, 5th Floor, Pensacola, Florida 32502; William C. Vose, Chair of Criminal Procedure Rules Committee, 1104 Bahama Drive, Orlando, Florida 32806-1440; John Fraser Himes, Chair of Family Law Rules Committee, Himes & Boire, P.A., 101 E. Kennedy Blvd., Suite 2430, Tampa, Florida 33602-5895 this _____ day of October, 2006.

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