

IN THE SUPREME COURT OF FLORIDA

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

CASE NO: SC06-434

**COMMENT OF THE CRIMINAL PROCEDURE RULES
COMMITTEE ON THE AMENDED PETITION OF THE TASK
FORCE ON TREATMENT-BASED DRUG COURTS TO ADOPT
RECOMMENDATIONS**

At the Criminal Procedure Rules Committee meeting on September 15, 2006, the committee considered the proposed amendments contained in the amended petition of the task force on treatment-based drug courts. The committee was unable to come to any conclusions regarding the proposed amendments to rule 3.170 and is still seeking further input before proceeding further.

As to Rule 3.131 the subcommittee moved to accept the proposed amendments set forth in the referral, i.e. to add the words “need for substance abuse evaluation and treatment” where suggested. The subcommittee however declined to use the term “and/or” as suggested in the referral. There were concerns that the trial court would consider the need for substance abuse evaluation and treatment and order the evaluation and treatment in lieu of an otherwise applicable bond or in some way allow a drug problem to excuse otherwise unacceptable behavior. The subcommittee did not view the proposal as giving the trial court an “excuse” to waive the otherwise applicable bond considerations. The amendments were viewed by the subcommittee as including the need for substance abuse evaluation and treatment as simply one of many other factors that could be considered by the trial court when considering the conditions of pretrial release. Members of the Committee expressed the opinion that most trial judges considered the need for substance abuse evaluation and treatment even without an express mandate in the rule and that the language simply ratified what was being done as a matter of practice in many courts. Others expressed the opinion that substance abuse evaluation and treatment could be made a special condition of pretrial release once the language concerning

substance abuse evaluation and treatment was expressly included in the rule. A motion to accept the amendments to Rule 3.131 recommended by the subcommittee resulted in a vote of 18 in favor, 11 against, with 2 abstentions.

Respectfully Submitted,

William C. Vose
Chair, The Florida Bar Criminal
Procedure Rules Committee
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CERTIFICATE

I hereby certify that a copy of the foregoing document was provided by mail to: Terry D. Terrell, Circuit Judge, M C Blanchard Judicial Center, 190 West Government Street, Pensacola, FL 32501 on November ____, 2006.

William C. Vose