

**IN THE SUPREME COURT OF FLORIDA**

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

**CASE NO: SC06-434**

**RESPONSE TO COMMENTS**

The Task Force on Treatment-Based Drug Courts (“Task Force”), by and through its chair, Circuit Judge Terry D. Terrell, submits this Response to the Comments to the Task Force’s Amended Petition filed on July 24, 2006. The text of the rule changes proposed by the Task Force were published in the October 15, 2006, *Florida Bar News*. Although all interested persons were asked to file comments, the Criminal Procedure Rules Committee, the Juvenile Court Rules Committee, and the Family Law Rules Committee, were specifically invited to file comments as well. On October 3, 2006, the Family Law Rules Committee filed its Response of Family Law Rules Committee (“Family Law Rules Committee Comment”) with the Court. On October 18, 2006, the Juvenile Court Rules Committee filed its Juvenile Court Rules Committee’s Response Concerning Proposed Amendments Submitted by the Task Force on Treatment-Based Drug Courts (“Juvenile Rules Committee Comment”) with the Court. On November 13, 2006, the Criminal Procedure Rules Committee filed its Comment of the Criminal Procedure Rules Committee on the Amended Petition of the Task

Force on Treatment-Based Drug Courts to Adopt Recommendations (“Criminal Rules Committee Comment”) with the Court. The Task Force responds as set forth below.

Rule of Criminal Procedure 3.131, Pretrial Release: The Criminal Procedure Rules Committee considered the Task Force’s proposed amendment to Rule 3.131. The Comment by the Committee sets forth some of its discussion of the amendment and the views of some of its membership. The Comment concludes that a motion to accept the amendment passed the Committee by a vote of 18-11-2. Thus, the Criminal Procedure Rules Committee does not oppose the proposed amendment.

Rule of Criminal Procedure 3.170, Pleas: The Criminal Procedure Rules Committee’s Comment states that it “was unable to come to any conclusions regarding the proposed amendments to rule 3.170 and is still seeking further input before proceedings further.” Criminal Rules Committee Comment. Because the Committee has not taken a position regarding these proposed amendments, the Task Force is unable to respond at this time.

Rule of Juvenile Procedure 8.010, Detention Hearing: The Juvenile Rules Committee voted 16-10-2 to oppose the proposed amendment out of concern that it is in conflict with § 985.21(4)(a)2, Florida Statutes (2005)

[Now: §985.145(4), Florida Statutes (2006)]. However, the Committee does not elaborate on its concern. The proposed rule merely requires the court to consider information that is permissibly available regarding the child's substance abuse needs and mental health condition at the detention hearing. In essence, the amendment forbids the court from disregarding such concerns at the detention hearing.

Rule of Juvenile Procedure 8.115, Disposition Hearing: The Juvenile Rules Committee voted 26-0-1 to support the proposed amendment.

Rule of Juvenile Procedure 8.160, Transfer of Cases: By the margin of 27-0-1, the Juvenile Rules Committee supports the proposed amendment.

Rule of Juvenile Procedure 8.250, Examinations, Evaluations, and Treatment: The Juvenile Rules Committee unanimously supports the proposed amendment 24-0-0.

Family Law Rule 12.010, Scope, Purpose, and Title: The Family Law Rules Committee opposes the proposed amendment 23-3. Family Law Rules Committee Comment. The Committee argues that the amendment is more semantic than practical and notes that “the language in *Rule* 12.010(b) is similar to language in other existing scope and purpose rules.” Id. (citations omitted). However, the Committee fails to state the significance of such similarity and further fails to elaborate why the similarity

underscores its opposition to the proposed amendment. Moreover, the importance of a coordinated and comprehensive resolution to families' disputes cannot be understated. "[O]ur goal continues to be the creation of a 'fully integrated, comprehensive approach to handling all cases involving children and families,' Family Courts II, 633 So. 2d at 17, while at the same time resolving family disputes in a fair, timely, efficient, and cost-effective manner." In re: Report of the Family Court Steering Committee, 794 So. 2d 518, 519-520 (Fla. 2001). Considering the importance of Unified Family Court to the timely resolution of cases, the Task Force adheres to its recommendation.

**WHEREFORE**, the Task Force on Treatment-Based Drug Courts respectfully requests that this Court grant the Amended Petition and accept the rule amendments as originally submitted.

Respectfully submitted,

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Terry D. Terrell, Circuit Judge  
M.C. Blanchard Judicial Bldg.  
190 Governmental Center, 5<sup>th</sup> Floor  
Pensacola, Florida 32502

### **CERTIFICATE**

I hereby certify that a copy of the foregoing document was provided by mail to: William C. Vose, Chair of Criminal Procedures Rules

Committee, 1104 Bahama Drive, Orlando, Florida 32806-1440; John Fraser Himes, Chair Family Law Rules Committee, Himes & Boire, P.A., 101 E. Kennedy Blvd, Suite 2430, Tampa, Florida 33602-5895; Mary K. Wimsett, Chair of Juvenile Rules Committee, 1132 NW 58<sup>th</sup> Terrace, Gainesville, Florida 32605; this \_\_\_\_ day of November, 2006.

\_\_\_\_\_  
Terry D. Terrell, Circuit Judge

### **CERTIFICATE**

I hereby certify that the foregoing document utilizes computer-generated Times New Roman 14-point font, this \_\_\_\_ day of November, 2006.

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Terry D. Terrell, Circuit Judge