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2012

1 A bill to be entitled  
2 An act relating to substance abuse education and  
3 intervention programs; amending s. 948.03, F.S.;  
4 providing for the placement of certain misdemeanor  
5 controlled substance offenders in licensed substance  
6 abuse education and intervention programs as a  
7 standard condition of probation; amending s. 948.15,  
8 F.S.; providing that probation supervision services  
9 for defendants found guilty of certain misdemeanor  
10 controlled substance offenses may be provided by  
11 licensed substance abuse education and intervention  
12 programs; authorizing certain entities providing  
13 probation services to provide licensed substance abuse  
14 education and intervention programs; requiring private  
15 entities providing such programs to contract with the  
16 county and comply with other applicable provisions;  
17 providing an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:  
20

21 Section 1. Paragraph (q) is added to subsection (1) of  
22 section 948.03, Florida Statutes, to read:

23 948.03 Terms and conditions of probation.—

24 (1) The court shall determine the terms and conditions of  
25 probation. Conditions specified in this section do not require  
26 oral pronouncement at the time of sentencing and may be  
27 considered standard conditions of probation. These conditions  
28 may include among them the following, that the probationer or

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29 offender in community control shall:

30 (q) Be placed in a licensed substance abuse education and  
31 intervention program as provided in s. 948.15 if the probationer  
32 or offender is convicted of a misdemeanor for possession of a  
33 controlled substance or drug paraphernalia under chapter 893.

34 Section 2. Section 948.15, Florida Statutes, is amended to  
35 read:

36 948.15 Misdemeanor probation services.—

37 (1) A defendant ~~Defendants~~ found guilty of a misdemeanor  
38 ~~misdemeanors~~ who is ~~are~~ placed on probation shall be under  
39 supervision not to exceed 6 months unless otherwise specified by  
40 the court. Probation supervision services for a defendant found  
41 guilty of a misdemeanor for possession of a controlled substance  
42 or drug paraphernalia under chapter 893 may be provided by a  
43 licensed substance abuse education and intervention program,  
44 which shall provide substance abuse education and intervention  
45 as well as any other terms and conditions of probation. In  
46 relation to any offense other than a felony in which the use of  
47 alcohol is a significant factor, the period of probation may be  
48 up to 1 year.

49 (2) A private entity or public entity, including a  
50 licensed substance abuse education and intervention program,  
51 under the supervision of the board of county commissioners or  
52 the court may provide probation services and licensed substance  
53 abuse education and treatment intervention programs for  
54 offenders sentenced by the county court.

55 (3) Any private entity, including a licensed substance  
56 abuse education and intervention program, providing services for

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57 | the supervision of misdemeanor probationers must contract with  
58 | the county in which the services are to be rendered. In a county  
59 | having ~~with~~ a population of fewer ~~less~~ than 70,000, the county  
60 | court judge, or the administrative judge of the county court in  
61 | a county that has more than one county court judge, must approve  
62 | the contract. Terms of the contract must state, but are not  
63 | limited to:

64 |       (a) The extent of the services to be rendered by the  
65 | entity providing supervision or rehabilitation.

66 |       (b) Staff qualifications and criminal record checks of  
67 | staff in accordance with essential standards established by the  
68 | American Correctional Association as of January 1, 1991.

69 |       (c) Staffing levels.

70 |       (d) The number of face-to-face contacts with the offender.

71 |       (e) Procedures for handling the collection of all offender  
72 | fees and restitution.

73 |       (f) Procedures for handling indigent offenders which  
74 | ensure placement irrespective of ability to pay.

75 |       (g) Circumstances under which revocation of an offender's  
76 | probation may be recommended.

77 |       (h) Reporting and recordkeeping requirements.

78 |       (i) Default and contract termination procedures.

79 |       (j) Procedures that aid offenders with job assistance.

80 |       (k) Procedures for accessing criminal history records of  
81 | probationers.

82 |

83 | In addition, the entity shall supply the chief judge's office  
84 | with a quarterly report summarizing the number of offenders

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85 supervised by the private entity, payment of the required  
86 contribution under supervision or rehabilitation, and the number  
87 of offenders for whom supervision or rehabilitation will be  
88 terminated. All records of the entity must be open to inspection  
89 upon the request of the county, the court, the Auditor General,  
90 the Office of Program Policy Analysis and Government  
91 Accountability, or agents thereof.

92 (4) A private entity that provides court-ordered services  
93 to offenders and that charges a fee for such services must  
94 register with the board of county commissioners in the county in  
95 which the services are offered. The entity shall provide the  
96 following information for each program it operates:

97 (a) The length of time the program has been operating in  
98 the county.

99 (b) A list of the staff and a summary of their  
100 qualifications.

101 (c) A summary of the types of services that are offered  
102 under the program.

103 (d) The fees the entity charges for court-ordered services  
104 and its procedures, if any, for handling indigent offenders.

105 (5) The private entity, including a licensed substance  
106 abuse education and intervention program, providing misdemeanor  
107 supervision services must ~~shall~~ also comply with all other  
108 applicable provisions of law.

109 Section 3. This act shall take effect July 1, 2012.