

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1095 (2025)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED ☐ (Y/N)

ADOPTED AS AMENDED ☐ (Y/N)

ADOPTED W/O OBJECTION ☐ (Y/N)

FAILED TO ADOPT ☐ (Y/N)

WITHDRAWN ☐ (Y/N)

OTHER ☐

Committee/Subcommittee hearing bill: Judiciary Committee
Representative Koster offered the following:

Amendment (with title amendment)

Remove lines 66-119 and insert:

program conditions and sanctions for noncompliance. Except as
provided in paragraph (k), a participant's term of participation
in the program shall be for the same length as the term of
probation for which he or she was sentenced, but may not exceed
the expiration of the program. Participants are entitled to an
attorney at any court hearing related to the program. A court
shall appoint a public defender for a participant who is
eligible to be represented by a public defender under s. 27.51.

(c) A participant who is ordered to abstain from alcohol
shall be tested twice per day by mobile breath alcohol testing.
Testing shall be completed in person at the participating county

850243 - h1095-line 66.docx

Published On: 4/7/2025 9:00:23 AM

Amendment No. 1

17 sheriff's office or an alternate location designated by the
18 sheriff's office, approximately 12 hours apart. However, if a
19 court determines that in-person testing is unreasonably
20 burdensome to a participant, the participant may instead be
21 ordered to wear a continuous monitoring device capable of
22 detecting and signaling the presence of alcohol.

23 (d) A participant who is ordered to abstain from
24 controlled substances shall be tested randomly, at least twice
25 every 7 days, with no fewer than 60 hours between tests. Testing
26 shall be completed in person at the participating county
27 sheriff's office or an alternate location designated by the
28 sheriff's office, by a method determined by the sheriff.

29 (e) A missed test, failed test, or alert by a continuous
30 monitoring device of a positive test result shall be probable
31 cause that a participant has committed a violation of the
32 program.

33 (f) If there is probable cause that a participant has
34 committed a violation of the program, the participant shall be
35 arrested at the earliest opportunity and held in county jail
36 until an appearance before a judge which must occur no later
37 than 24 hours after the participant's arrest.

38 (g) Upon a judicial finding that a participant has
39 committed a violation of the program, the participant shall be
40 ordered to serve 24 hours in county jail, with credit for time
41 served between his or her arrest and the judicial finding of a

Amendment No. 1

42 violation. The court may not waive or modify any penalties
43 required under this paragraph.

44 (h) A participant who is arrested and held in custody
45 under this section whose alleged violation is not adjudicated
46 within 24 hours of his or her arrest must be released at the
47 earliest possible opportunity. Release of a participant under
48 this paragraph does not end the offender's participation in the
49 program.

50 (i) A court may reduce the frequency of testing for
51 alcohol consumption to once per day for a participant who has
52 zero adjudicated program violations for 60 consecutive days.

53 (j) A court may reduce the frequency of testing for
54 controlled substances to once per week for a participant who has
55 zero adjudicated program violations for 6 consecutive months.

56 (k) Upon successful completion of half the term of
57 participation, the court may place the person on administrative
58 probation pursuant to s. 948.013 for the remainder of the term
59 of supervision, or may terminate the person's probation and
60 participation in the program.

61 -----
62
63 **T I T L E A M E N D M E N T**

64 Remove line 14 and insert:

65 probation and participation in the program or place a
66 person on administrative

850243 - h1095-line 66.docx

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