

1                   A bill to be entitled  
2       An act relating to criminal offender substance abuse  
3       pilot program; creating s. 948.22, F.S.; creating a  
4       substance abuse accountability pilot program in a  
5       specified county; providing for eligibility for the  
6       program; specifying that eligible participants shall  
7       be advised of the program before entering a plea;  
8       providing for design and implementation of the program  
9       in the county; specifying how long a person may  
10      participate in the program; providing that  
11      participants are entitled to an attorney at any court  
12      hearing related to the program; providing requirements  
13      for the program; authorizing a court to terminate  
14      probation or place a person on administrative  
15      probation under specified circumstances related to the  
16      program; specifying personnel requirements;  
17      authorizing subgrants for personnel needs; specifying  
18      that program participation does not supersede ignition  
19      interlock requirements; requiring program evaluation  
20      by a specified date; requiring a report to certain  
21      officials by a specified date; providing for repeal of  
22      provisions; providing for pass-through of funds;  
23      specifying the use of funds; providing an effective  
24      date.  
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Be It Enacted by the Legislature of the State of Florida:

**Section 1. Section 948.22, Florida Statutes, is created to read:**

948.22 Substance Abuse Accountability Pilot Program.—

(1) A Substance Abuse Accountability Pilot Program is established in Hillsborough county from October 1, 2025, through September 30, 2027.

(2) Among persons convicted of a felony or first-degree misdemeanor and who are placed on probation, for which abstention from alcohol or controlled substances is a condition of compliance, a court shall designate a subset identified as eligible for the program. Among this eligible pool, individuals will be randomly assigned to participate in the program. All persons deemed eligible shall have the same probability of assignment to the program and shall participate in the program if assigned. No more than 150 offenders may participate in the program at any one time.

(a) Prior to entering any plea agreement that includes a term of probation and any condition of compliance that would make a person eligible for the program, the person must be explicitly advised that he or she may be randomly assigned to participate in the program. All terms and conditions of the program shall be explained to the person, and the person shall acknowledge in writing that he or she understands such terms and

51 conditions and is entering a plea freely and voluntarily.

52 (3) The sheriff of the participating county, in  
53 consultation with the chief judge of the judicial circuit, the  
54 state attorney, and the Department of Corrections, shall design  
55 and implement the program. The sheriff may contract with a third  
56 party to assist with program design and implementation. However,  
57 the program established under this section must include all of  
58 the following elements:

59 (a) Notwithstanding any other law, the sheriff shall  
60 manage the supervision of all participants during their  
61 participation in the program. Upon discharge from the program,  
62 the participants shall be managed in accordance with current law  
63 for any remaining term of supervision.

64 (b) Participants shall attend an in-person judicial  
65 hearing at which a judge shall explain to the participants all  
66 program conditions and sanctions for noncompliance. A  
67 participant's term of participation in the program shall be for  
68 the same length as the term of probation for which he or she was  
69 sentenced, but may not exceed the expiration of the program.  
70 Participants are entitled to an attorney at any court hearing  
71 related to the program. A court shall appoint a public defender  
72 for a participant who is eligible to be represented by a public  
73 defender under s. 27.51.

74 (c) A participant who is ordered to abstain from alcohol  
75 shall be tested twice per day by mobile breath alcohol testing.

76 Testing shall be completed in person at the participating county  
77 sheriff's office or an alternate location designated by the  
78 sheriff's office, approximately 12 hours apart. However, if a  
79 court determines that in-person testing is unreasonably  
80 burdensome to a participant, the participant may instead be  
81 ordered to wear a continuous monitoring device capable of  
82 detecting and signaling the presence of alcohol.

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

89 (e) A missed test, failed test, or alert by a continuous  
90 monitoring device of a positive test result shall be probable  
91 cause that a participant has committed a violation of the  
92 program.

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

98 (g) Upon a judicial finding that a participant has  
99 committed a violation of the program, the participant shall be  
100 ordered to serve 24 hours in county jail, with credit for time

101 served between his or her arrest and the judicial finding of a  
102 violation. The court may not waive or modify any penalties  
103 required under this paragraph.

104 (h) A participant who is arrested and held in custody  
105 under this section whose alleged violation is not adjudicated  
106 within 24 hours of his or her arrest must be released at the  
107 earliest possible opportunity. Release of a participant under  
108 this paragraph does not end the offender's participation in the  
109 program.

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

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

116 (k) Upon successful completion of half the term of  
117 participation, the court may place the person on administrative  
118 probation pursuant to s. 948.013 for the remainder of the term  
119 of supervision, or may terminate the person's probation.

120 (l) Upon five adjudicated violations of program  
121 conditions, a court may discharge the participant from the  
122 program and sentence the offender as authorized by law. Nothing  
123 in this paragraph shall preclude a court from modifying the  
124 conditions of a participant's supervision, including revocation  
125 of supervision, upon any other violation of supervision

126 conditions.

127 (m) Participants shall pay all fees associated with  
128 participation in the program. However, a court may reduce or  
129 eliminate program fees for a participant who has been declared  
130 indigent.

131 (4) The program established under this section shall  
132 include a program coordinator, whose duties shall include  
133 identifying and hiring personnel to ensure efficient  
134 administration of the program. The sheriff of the participating  
135 county may make subgrants to any appropriate agency for hiring  
136 personnel under this subsection.

137 (5) A court may not order participation in the program in  
138 lieu of mandatory placement of an ignition interlock device as  
139 described in s. 316.193.

140 (6) By June 30, 2028, the Attorney General shall complete  
141 an evaluation of the program's effectiveness. The Attorney  
142 General shall determine the metrics to be evaluated and may  
143 contract with a third party to conduct any program evaluations.

144 (7) A report on the pilot program, which must include the  
145 number of program participants, the number of program  
146 violations, and the number of successful program completions,  
147 shall be delivered to the Governor, the President of the Senate,  
148 and the Speaker of the House of Representatives by November 30,  
149 2028.

150 (8) This section is repealed November 30, 2028.

151       **Section 2.** Subject to specific appropriation, the state  
152 courts system shall pass-through any funds appropriated for the  
153 pilot program to the entity responsible for program design and  
154 implementation. Any funds awarded under this section must be  
155 used for expenses related to establishing and administering the  
156 program, including personnel, equipment, training and technical  
157 assistance, payments for jail space, data collection, program  
158 evaluations, and program fees for indigent participants.

159       **Section 3.** This act shall take effect July 1, 2025.