



256344

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2025	.	
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The Committee on Criminal Justice (Gruters) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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.



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

21           (b) Prior to entering any plea agreement that includes a  
22 term of probation and any condition of compliance that would  
23 make a person eligible for the program, the person must be  
24 explicitly advised that he or she may be randomly assigned to  
25 participate in the program. All terms and conditions of the  
26 program shall be explained to the person, and the person shall  
27 acknowledge in writing that he or she understands such terms and  
28 conditions and is entering a plea freely and voluntarily.

29           (3) The sheriff of the participating county, in  
30 consultation with the chief judge of the judicial circuit, the  
31 state attorney, and the Department of Corrections, shall design  
32 and implement the program. The sheriff may contract with a third  
33 party to assist with program design and implementation. However,  
34 the program established under this section must include all of  
35 the following elements:

36           (a) Notwithstanding any other law, the sheriff shall manage  
37 the supervision of all participants during their participation  
38 in the program. Upon discharge from the program, the  
39 participants shall be managed in accordance with current law for



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40 any remaining term of supervision.

41 (b) Participants shall attend an in-person judicial hearing  
42 at which a judge shall explain to the participants all program  
43 conditions and sanctions for noncompliance. A participant's term  
44 of participation in the program shall be for the same length as  
45 the term of probation for which he or she was sentenced, except  
46 as provided in paragraph (k), but may not exceed the expiration  
47 of the program. Participants are entitled to an attorney at any  
48 court hearing related to the program. A court shall appoint a  
49 public defender for a participant who is eligible to be  
50 represented by a public defender under s. 27.51.

51 (c) A participant who is ordered to abstain from alcohol  
52 shall be tested twice per day by mobile breath alcohol testing.  
53 Testing shall be completed in person at the participating county  
54 sheriff's office or an alternate location designated by the  
55 sheriff's office, approximately 12 hours apart. However, if a  
56 court determines that in-person testing is unreasonably  
57 burdensome to a participant, the participant may instead be  
58 ordered to wear a continuous monitoring device capable of  
59 detecting and signaling the presence of alcohol.

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

66 (e) A missed test, failed test, or alert by a continuous  
67 monitoring device of a positive test result shall be probable  
68 cause that a participant has committed a violation of the



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69 program.

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

75 (g) Upon a judicial finding that a participant has  
76 committed a violation of the program, the participant shall be  
77 ordered to serve 24 hours in county jail, with credit for time  
78 served between his or her arrest and the judicial finding of a  
79 violation. The court may not waive or modify any penalties  
80 required under this paragraph.

81 (h) A participant who is arrested and held in custody under  
82 this section whose alleged violation is not adjudicated within  
83 24 hours of his or her arrest must be released at the earliest  
84 possible opportunity. Release of a participant under this  
85 paragraph does not end the offender's participation in the  
86 program.

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

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

93 (k) Upon successful completion of half the term of  
94 participation, the court may place the person on administrative  
95 probation pursuant to s. 948.013 for the remainder of the term  
96 of supervision, or may terminate the person's probation and  
97 participation in the program.



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98           (1) Upon five adjudicated violations of program conditions,  
99 a court may discharge the participant from the program and  
100 sentence the offender as authorized by law. Nothing in this  
101 paragraph shall preclude a court from modifying the conditions  
102 of a participant's supervision, including revocation of  
103 supervision, upon any other violation of supervision conditions.

104           (m) Participants shall pay all fees associated with  
105 participation in the program. However, a court may reduce or  
106 eliminate program fees for a participant who has been declared  
107 indigent.

108           (4) The program established under this section shall  
109 include a program coordinator, whose duties shall include  
110 identifying and hiring personnel to ensure efficient  
111 administration of the program. The sheriff of the participating  
112 county may make subgrants to any appropriate agency for hiring  
113 personnel under this subsection.

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

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

121           (7) A report on the pilot program, which must include the  
122 number of program participants, the number of program  
123 violations, and the number of successful program completions,  
124 shall be delivered to the Governor, the President of the Senate,  
125 and the Speaker of the House of Representatives by November 30,  
126 2028.



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127       (8) This section is repealed November 30, 2028.  
128       Section 2. For fiscal year 2025-2026, the nonrecurring sum  
129 of \$2.5 million to the sheriff in Hillsborough County shall be  
130 appropriated from the Opioid Settlement Trust Fund. Funds  
131 appropriated under this section may be used for any expenses  
132 related to establishing and administering the program through  
133 September 30, 2027, including personnel, equipment, training and  
134 technical assistance, payments for jail space, data collection,  
135 program evaluations, and program fees for indigent participants.

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

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138 ===== T I T L E   A M E N D M E N T =====

139 And the title is amended as follows:

140       Delete everything before the enacting clause  
141 and insert:

142                               A bill to be entitled  
143       An act relating to a criminal offender substance abuse  
144       pilot program; creating s. 948.22, F.S.; creating a  
145       substance abuse accountability pilot program in a  
146       specified county; providing for eligibility for the  
147       program; specifying that eligible participants shall  
148       be advised of the program before entering a plea;  
149       providing for design and implementation of the  
150       program; specifying how long a person may participate  
151       in the program; providing that participants are  
152       entitled to an attorney at any court hearing related  
153       to the program; providing requirements for the  
154       program; authorizing a court to terminate probation  
155       and participation in the program or place a person on



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156 administrative probation under specified circumstances  
157 related to the program; specifying personnel  
158 requirements; authorizing subgrants for personnel  
159 needs; specifying that program participation does not  
160 supersede ignition interlock requirements; requiring  
161 program evaluation by a specified date; requiring a  
162 report to certain officials by a specified date;  
163 providing for repeal of provisions; providing an  
164 appropriation; providing an effective date.