

By the Committee on Criminal Justice; and Senator Gruters

591-03129-25

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A bill to be entitled
An act relating to a criminal offender substance abuse
pilot program; creating s. 948.22, F.S.; creating a
substance abuse accountability pilot program in a
specified county; providing for eligibility for the
program; specifying that eligible participants shall
be advised of the program before entering a plea;
providing for design and implementation of the
program; specifying how long a person may participate
in the program; providing that participants are
entitled to an attorney at any court hearing related
to the program; providing requirements for the
program; authorizing a court to terminate probation
and participation in the program or place a person on
administrative probation under specified circumstances
related to the program; specifying personnel
requirements; authorizing subgrants for personnel
needs; specifying that program participation does not
supersede ignition interlock requirements; requiring
program evaluation by a specified date; requiring a
report to certain officials by a specified date;
providing for repeal of provisions; providing an
appropriation; providing an effective date.

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.—

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

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

43 (b) Prior to entering any plea agreement that includes a
44 term of probation and any condition of compliance that would
45 make a person eligible for the program, the person must be
46 explicitly advised that he or she may be randomly assigned to
47 participate in the program. All terms and conditions of the
48 program shall be explained to the person, and the person shall
49 acknowledge in writing that he or she understands such terms and
50 conditions and is entering a plea freely and voluntarily.

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

58 (a) Notwithstanding any other law, the sheriff shall manage

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59 the supervision of all participants during their participation
60 in the program. Upon discharge from the program, the
61 participants shall be managed in accordance with current law for
62 any remaining term of supervision.

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

73 (c) A participant who is ordered to abstain from alcohol
74 shall be tested twice per day by mobile breath alcohol testing.
75 Testing shall be completed in person at the participating county
76 sheriff's office or an alternate location designated by the
77 sheriff's office, approximately 12 hours apart. However, if a
78 court determines that in-person testing is unreasonably
79 burdensome to a participant, the participant may instead be
80 ordered to wear a continuous monitoring device capable of
81 detecting and signaling the presence of alcohol.

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

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

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

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

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

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

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

115 (k) Upon successful completion of half the term of
116 participation, the court may place the person on administrative

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117 probation pursuant to s. 948.013 for the remainder of the term
118 of supervision, or may terminate the person's probation and
119 participation in the program.

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

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

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

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

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

143 (7) A report on the pilot program, which must include the
144 number of program participants, the number of program
145 violations, and the number of successful program completions,

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shall be delivered to the Governor, the President of the Senate,
and the Speaker of the House of Representatives by November 30,
2028.

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

Section 2. For fiscal year 2025-2026, the nonrecurring sum
of \$2.5 million to the sheriff in Hillsborough County shall be
appropriated from the Opioid Settlement Trust Fund. Funds
appropriated under this section may be used for any expenses
related to establishing and administering the program through
September 30, 2027, including personnel, equipment, training and
technical assistance, payments for jail space, data collection,
program evaluations, and program fees for indigent participants.

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