

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #:	CS/CS/HB 233 (CS/SB 498)	FINAL HOUSE FLOOR ACTION:	
SPONSOR(S):	Judiciary Committee; Criminal Justice Subcommittee and Rouson (Criminal Justice and Lynn)	117 Y's	0 N's
COMPANION BILLS:	CS/SB 498	GOVERNOR'S ACTION:	Approved

SUMMARY ANALYSIS

CS/CS/HB 233 passed the House on February 29, 2012, and subsequently passed the Senate on March 2, 2012.

The bill amends s. 948.15, F.S., to specify that licensed substance abuse education and intervention programs, pursuant to a contract with the county, may provide probation supervision services, including substance abuse education and intervention services, for defendants found guilty of a misdemeanor for possession of a controlled substance or drug paraphernalia under ch. 893, F.S.

The bill does not appear to have a fiscal impact on state or local government.

The bill was approved by the Governor on April 13, 2012, ch. 2012-106, Laws of Florida. The effective date of the bill is July 1, 2012.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Misdemeanor Probation Services

Section 948.15, F.S., relates to misdemeanor (i.e., county) probation. The term for misdemeanor probation generally cannot exceed 6 months unless otherwise specified by the court.¹ Currently, misdemeanor probation services can be provided by both public and private entities under the supervision of the board of county commissioners or the court.²

Private entities who wish to provide misdemeanor probation services must contract with the county in which the services are to be rendered.³ Terms of the contract must state, but are not limited to:

- The extent of the services to be rendered by the entity providing supervision or rehabilitation;
- Staff qualifications and criminal record checks of staff in accordance with essential standards established by the American Correctional Association as of January 1, 1991;
- Staffing levels;
- The number of face-to-face contacts with the offender;
- Procedures for handling the collection of all offender fees and restitution;
- Procedures for handling indigent offenders which ensure placement irrespective of ability to pay;
- Circumstances under which revocation of an offender's probation may be recommended;
- Reporting and recordkeeping requirements;
- Default and contract termination procedures;
- Procedures that aid offenders with job assistance; and
- Procedures for accessing criminal history records of probationers.⁴

Private entities must also provide the chief judge's office with a quarterly report summarizing the number of offenders supervised, payment of the required contribution under supervision or rehabilitation, and the number of offenders for whom supervision or rehabilitation will be terminated.⁵ Additionally, all records of the private entity must be open to inspection upon the request of the county, the court, the Auditor General, the Office of Program Policy Analysis and Government Accountability, or agents thereof.⁶

Private entities that provide misdemeanor probation services to offenders and that charge a fee for such services must also register with the board of county commissioners in the county in which the services are offered, and provide the following information for each program it operates:

- The length of time the program has been operating in the county;
- A list of the staff and a summary of their qualifications;
- A summary of the types of services that are offered under the program; and
- The fees the entity charges for court-ordered services and its procedures, if any, for handling indigent offenders.⁷

Effect of the Bill

The bill amends s. 948.15, F.S., to specify that licensed substance abuse education and intervention programs, pursuant to a contract with the county, may provide probation supervision services, including

¹ If the use of alcohol was a significant factor in the misdemeanor offense, the period of probation may be up to 1 year. Section 948.15(1), F.S.

² Section 948.15(2), F.S.

³ In a county with a population of less than 70,000, the county court judge, or the administrative judge of the county court in a county that has more than one county court judge, must approve the contract. Section 948.15(3), F.S.

⁴ Section 948.15(3), F.S.

⁵ *Id.*

⁶ *Id.*

⁷ Section 948.15(4), F.S.

substance abuse education and intervention services, for defendants found guilty of a misdemeanor for possession of a controlled substance or drug paraphernalia under ch. 893, F.S.

The bill also authorizes any public or private entity that contracts with a county to provide probation supervision services to provide licensed substance abuse education and treatment intervention programs for offenders sentenced by the county court.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have any impact on state revenues.

2. Expenditures:

The bill does not appear to have any impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

The bill does not appear to have any impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.