

1 A bill to be entitled
 2 An act relating to substance abuse education and treatment
 3 intervention programs; amending s. 948.03, F.S.; providing
 4 for the placement of certain misdemeanor controlled
 5 substance offenders in licensed substance abuse education
 6 and treatment intervention programs as a standard
 7 condition of probation; amending s. 948.15, F.S.;
 8 providing that defendants found guilty of certain
 9 misdemeanor controlled substance offenses may be placed in
 10 licensed substance abuse education and treatment
 11 intervention programs; authorizing certain entities
 12 providing probation services to provide licensed substance
 13 abuse education and treatment intervention programs;
 14 requiring private entities providing such programs to
 15 contract with the county and comply with other applicable
 16 provisions; amending s. 948.16, F.S.; making certain
 17 persons who previously have been admitted to pretrial
 18 substance abuse education and treatment intervention
 19 programs eligible for voluntary admission to such
 20 programs; providing an effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. Paragraph (q) is added to subsection (1) of
 25 section 948.03, Florida Statutes, to read:

26 948.03 Terms and conditions of probation.—

27 (1) The court shall determine the terms and conditions of
 28 probation. Conditions specified in this section do not require

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29 oral pronouncement at the time of sentencing and may be
30 considered standard conditions of probation. These conditions
31 may include among them the following, that the probationer or
32 offender in community control shall:

33 (q) Be placed in a licensed substance abuse education and
34 treatment intervention program as provided in s. 948.15 if the
35 probationer or offender is convicted of a misdemeanor for
36 possession of a controlled substance or drug paraphernalia under
37 chapter 893.

38 Section 2. Section 948.15, Florida Statutes, is amended to
39 read:

40 948.15 Misdemeanor probation services.—

41 (1) A defendant ~~Defendants~~ found guilty of a misdemeanor
42 ~~misdemeanors~~ who is ~~are~~ placed on probation shall be under
43 supervision not to exceed 6 months unless otherwise specified by
44 the court. A defendant found guilty of a misdemeanor for
45 possession of a controlled substance or drug paraphernalia under
46 chapter 893 may be placed in a licensed substance abuse
47 education and treatment intervention program. In relation to any
48 offense other than a felony in which the use of alcohol is a
49 significant factor, the period of probation may be up to 1 year.

50 (2) A private entity or public entity under the
51 supervision of the board of county commissioners or the court
52 may provide probation services and licensed substance abuse
53 education and treatment intervention programs for offenders
54 sentenced by the county court.

55 (3) Any private entity providing services for the
56 supervision of misdemeanor probationers, including those in a

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57 | licensed substance abuse education and treatment intervention
58 | program, must contract with the county in which the services are
59 | to be rendered. In a county with a population of less than
60 | 70,000, the county court judge, or the administrative judge of
61 | the county court in a county that has more than one county court
62 | judge, must approve the contract. Terms of the contract must
63 | state, but are not limited to:

64 | (a) The extent of the services to be rendered by the
65 | entity providing supervision or rehabilitation.

66 | (b) Staff qualifications and criminal record checks of
67 | staff in accordance with essential standards established by the
68 | American Correctional Association as of January 1, 1991.

69 | (c) Staffing levels.

70 | (d) The number of face-to-face contacts with the offender.

71 | (e) Procedures for handling the collection of all offender
72 | fees and restitution.

73 | (f) Procedures for handling indigent offenders which
74 | ensure placement irrespective of ability to pay.

75 | (g) Circumstances under which revocation of an offender's
76 | probation may be recommended.

77 | (h) Reporting and recordkeeping requirements.

78 | (i) Default and contract termination procedures.

79 | (j) Procedures that aid offenders with job assistance.

80 | (k) Procedures for accessing criminal history records of
81 | probationers.

82 |

83 | In addition, the entity shall supply the chief judge's office
84 | with a quarterly report summarizing the number of offenders

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85 supervised by the private entity, payment of the required
86 contribution under supervision or rehabilitation, and the number
87 of offenders for whom supervision or rehabilitation will be
88 terminated. All records of the entity must be open to inspection
89 upon the request of the county, the court, the Auditor General,
90 the Office of Program Policy Analysis and Government
91 Accountability, or agents thereof.

92 (4) A private entity that provides court-ordered services
93 to offenders and that charges a fee for such services must
94 register with the board of county commissioners in the county in
95 which the services are offered. The entity shall provide the
96 following information for each program it operates:

97 (a) The length of time the program has been operating in
98 the county.

99 (b) A list of the staff and a summary of their
100 qualifications.

101 (c) A summary of the types of services that are offered
102 under the program.

103 (d) The fees the entity charges for court-ordered services
104 and its procedures, if any, for handling indigent offenders.

105 (5) The private entity providing misdemeanor supervision
106 services, including those in a licensed substance abuse
107 education and treatment intervention program, must ~~shall~~ also
108 comply with all other applicable provisions of law.

109 Section 3. Paragraph (a) of subsection (1) of section
110 948.16, Florida Statutes, is amended to read:

111 948.16 Misdemeanor pretrial substance abuse education and
112 treatment intervention program.—

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113 (1) (a) A person who is charged with a misdemeanor for
114 possession of a controlled substance or drug paraphernalia under
115 chapter 893~~7~~ and who has not previously been convicted of a
116 felony ~~nor been admitted to a pretrial program~~, is eligible for
117 voluntary admission into a misdemeanor pretrial substance abuse
118 education and treatment intervention program, including a
119 treatment-based drug court program established pursuant to s.
120 397.334, approved by the chief judge of the circuit, for a
121 period based on the program requirements and the treatment plan
122 for the offender, upon motion of either party or the court's own
123 motion, except, if the state attorney believes the facts and
124 circumstances of the case suggest the defendant is involved in
125 dealing and selling controlled substances, the court shall hold
126 a preadmission hearing. If the state attorney establishes, by a
127 preponderance of the evidence at such hearing, that the
128 defendant was involved in dealing or selling controlled
129 substances, the court shall deny the defendant's admission into
130 the pretrial intervention program.

131 Section 4. This act shall take effect July 1, 2011.