

1                                   A bill to be entitled  
 2       An act relating to substance abuse education and  
 3       intervention programs; amending s. 948.15, F.S.;  
 4       providing that probation supervision services for  
 5       defendants found guilty of certain misdemeanor  
 6       controlled substance offenses may be provided by  
 7       licensed substance abuse education and intervention  
 8       programs; authorizing certain entities providing  
 9       probation services to provide licensed substance abuse  
 10      education and intervention programs; requiring private  
 11      entities providing such programs to contract with the  
 12      county and comply with other applicable provisions;  
 13      providing an effective date.

14  
 15 Be It Enacted by the Legislature of the State of Florida:

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 17       Section 1. Section 948.15, Florida Statutes, is amended to  
 18      read:

19       948.15 Misdemeanor probation services.—

20       (1) A defendant ~~Defendants~~ found guilty of a misdemeanor  
 21 ~~misdemeanors~~ who is ~~are~~ placed on probation shall be under  
 22 supervision not to exceed 6 months unless otherwise specified by  
 23 the court. Probation supervision services for a defendant found  
 24 guilty of a misdemeanor for possession of a controlled substance  
 25 or drug paraphernalia under chapter 893 may be provided by a  
 26 licensed substance abuse education and intervention program,  
 27 which may provide substance abuse education and intervention as  
 28 well as any other terms and conditions of probation. In relation

29 | to any offense other than a felony in which the use of alcohol  
30 | is a significant factor, the period of probation may be up to 1  
31 | year.

32 |       (2) A private entity or public entity, including a  
33 | licensed substance abuse education and intervention program,  
34 | under the supervision of the board of county commissioners or  
35 | the court may provide probation services and licensed substance  
36 | abuse education and treatment intervention programs for  
37 | offenders sentenced by the county court.

38 |       (3) Any private entity, including a licensed substance  
39 | abuse education and intervention program, providing services for  
40 | the supervision of misdemeanor probationers must contract with  
41 | the county in which the services are to be rendered. In a county  
42 | having ~~with~~ a population of fewer ~~less~~ than 70,000, the county  
43 | court judge, or the administrative judge of the county court in  
44 | a county that has more than one county court judge, must approve  
45 | the contract. Terms of the contract must state, but are not  
46 | limited to:

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

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

52 |       (c) Staffing levels.

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

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

56 |       (f) Procedures for handling indigent offenders which

57 | ensure placement irrespective of ability to pay.

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

60 |       (h) Reporting and recordkeeping requirements.

61 |       (i) Default and contract termination procedures.

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

63 |       (k) Procedures for accessing criminal history records of  
64 | probationers.

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66 | In addition, the entity shall supply the chief judge's office  
67 | with a quarterly report summarizing the number of offenders  
68 | supervised by the private entity, payment of the required  
69 | contribution under supervision or rehabilitation, and the number  
70 | of offenders for whom supervision or rehabilitation will be  
71 | terminated. All records of the entity must be open to inspection  
72 | upon the request of the county, the court, the Auditor General,  
73 | the Office of Program Policy Analysis and Government  
74 | Accountability, or agents thereof.

75 |       (4) A private entity that provides court-ordered services  
76 | to offenders and that charges a fee for such services must  
77 | register with the board of county commissioners in the county in  
78 | which the services are offered. The entity shall provide the  
79 | following information for each program it operates:

80 |       (a) The length of time the program has been operating in  
81 | the county.

82 |       (b) A list of the staff and a summary of their  
83 | qualifications.

84 |       (c) A summary of the types of services that are offered

85 | under the program.

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

88 |       (5) The private entity, including a licensed substance  
89 | abuse education and intervention program, providing misdemeanor  
90 | supervision services must ~~shall~~ also comply with all other  
91 | applicable provisions of law.

92 |       Section 2. This act shall take effect July 1, 2012.