

ENROLLED

CS/CS/HB 233, Engrossed 1

2012 Legislature

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 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.

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 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

ENROLLED

CS/CS/HB 233, Engrossed 1

2012 Legislature

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

ENROLLED

CS/CS/HB 233, Engrossed 1

2012 Legislature

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.

65 |
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

ENROLLED

CS/CS/HB 233, Engrossed 1

2012 Legislature

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.