

By Senator Lynn

7-00468A-12

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1 A bill to be entitled
2 An act relating to substance abuse education and
3 intervention programs; amending s. 948.03, F.S.;
4 providing for the placement of certain misdemeanor
5 controlled substance offenders in licensed substance
6 abuse education and intervention programs as a
7 standard condition of probation; amending s. 948.15,
8 F.S.; providing that probation supervision services
9 for defendants found guilty of certain misdemeanor
10 controlled substance offenses may be provided by
11 licensed substance abuse education and intervention
12 programs; authorizing certain entities providing
13 probation services to provide licensed substance abuse
14 education and intervention programs; requiring private
15 entities providing such programs to contract with the
16 county and comply with other applicable provisions;
17 providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:
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21 Section 1. Paragraph (q) is added to subsection (1) of
22 section 948.03, Florida Statutes, to read:

23 948.03 Terms and conditions of probation.—

24 (1) The court shall determine the terms and conditions of
25 probation. Conditions specified in this section do not require
26 oral pronouncement at the time of sentencing and may be
27 considered standard conditions of probation. These conditions
28 may include among them the following, that the probationer or
29 offender in community control shall:

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

34 Section 2. Section 948.15, Florida Statutes, is amended to
35 read:

36 948.15 Misdemeanor probation services.—

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

49 (2) A private entity or public entity, including a licensed
50 substance abuse education and intervention program, 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, including a licensed substance
56 abuse education and intervention program, providing services for
57 the supervision of misdemeanor probationers must contract with
58 the county in which the services are to be rendered. In a county

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59 having ~~with~~ a population of fewer ~~less~~ than 70,000, the county
60 court judge, or the administrative judge of the county court in
61 a county that has more than one county court judge, must approve
62 the contract. Terms of the contract must state, but are not
63 limited to:

64 (a) The extent of the services to be rendered by the entity
65 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 ensure
74 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
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

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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, including a licensed substance
106 abuse education and intervention program, providing misdemeanor
107 supervision services must ~~shall~~ also comply with all other
108 applicable provisions of law.

109 Section 3. This act shall take effect July 1, 2012.