

By the Committee on Criminal Justice; and Senator Lynn

591-01567-12

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1                   A bill to be entitled  
2           An act relating to substance abuse education and  
3           intervention programs; amending s. 948.15, 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 shall provide substance abuse education and intervention  
28 as well as any other terms and conditions of probation. In  
29 relation to any offense other than a felony in which the use of

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30 alcohol is a significant factor, the period of probation may be  
31 up to 1 year.

32 (2) A private entity or public entity, including a licensed  
33 substance abuse education and intervention program, under the  
34 supervision of the board of county commissioners or the court  
35 may provide probation services and licensed substance abuse  
36 education and treatment intervention programs for offenders  
37 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 entity  
48 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 ensure  
57 placement irrespective of ability to pay.

58 (g) Circumstances under which revocation of an offender's

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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.

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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.