

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Koster offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7

8 **Section 1. Section 948.22, Florida Statutes, is created to**
9 **read:**

10 948.22 Substance Abuse Accountability Pilot Program.—

11 (1) A Substance Abuse Accountability Pilot Program is
12 established in Hillsborough county from October 1, 2025, through
13 September 30, 2027.

14 (2) Among persons convicted of a felony or first-degree
15 misdemeanor and who are placed on probation, for which
16 abstention from alcohol or controlled substances is a condition

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17 of compliance, a court shall designate a subset identified as
18 eligible for the program. Among this eligible pool, individuals
19 will be randomly assigned to participate in the program. All
20 persons deemed eligible shall have the same probability of
21 assignment to the program and shall participate in the program
22 if assigned. No more than 150 offenders may participate in the
23 program at any one time.

24 (a) Prior to entering any plea agreement that includes a
25 term of probation and any condition of compliance that would
26 make a person eligible for the program, the person must be
27 explicitly advised that he or she may be randomly assigned to
28 participate in the program. All terms and conditions of the
29 program shall be explained to the person, and the person shall
30 acknowledge in writing that he or she understands such terms and
31 conditions and is entering a plea freely and voluntarily.

32 (3) The sheriff of the participating county, in
33 consultation with the chief judge of the judicial circuit, the
34 state attorney, and the Department of Corrections, shall design
35 and implement the program. The sheriff may contract with a third
36 party to assist with program design and implementation. However,
37 the program established under this section must include all of
38 the following elements:

39 (a) Notwithstanding any other law, the sheriff shall
40 manage the supervision of all participants during their
41 participation in the program. Upon discharge from the program,

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42 the participants shall be managed in accordance with current law
43 for any remaining term of supervision.

44 (b) Participants shall attend an in-person judicial
45 hearing at which a judge shall explain to the participants all
46 program conditions and sanctions for noncompliance. A
47 participant's term of participation in the program shall be for
48 the same length as the term of probation for which he or she was
49 sentenced, but may not exceed the expiration of the program.
50 Participants are entitled to an attorney at any court hearing
51 related to the program. A court shall appoint a public defender
52 for a participant who is eligible to be represented by a public
53 defender under s. 27.51.

54 (c) A participant who is ordered to abstain from alcohol
55 shall be tested twice per day by mobile breath alcohol testing.
56 Testing shall be completed in person at the participating county
57 sheriff's office or an alternate location designated by the
58 sheriff's office, approximately 12 hours apart. However, if a
59 court determines that in-person testing is unreasonably
60 burdensome to a participant, the participant may instead be
61 ordered to wear a continuous monitoring device capable of
62 detecting and signaling the presence of alcohol.

63 (d) A participant who is ordered to abstain from
64 controlled substances shall be tested randomly, at least twice
65 every 7 days, with no fewer than 60 hours between tests. Testing
66 shall be completed in person at the participating county

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67 sheriff's office or an alternate location designated by the
68 sheriff's office, by a method determined by the sheriff.

69 (e) A missed test, failed test, or alert by a continuous
70 monitoring device of a positive test result shall be probable
71 cause that a participant has committed a violation the program.

72 (f) If there is probable cause that a participant has
73 committed a violation of the program, the participant shall be
74 arrested at the earliest opportunity and held in county jail
75 until an appearance before a judge which must occur no later
76 than 24 hours after the participant's arrest.

77 (g) Upon a judicial finding that a participant has
78 committed a violation of the program, the participant shall be
79 ordered to serve 24 hours in county jail, with credit for time
80 served between his or her arrest and the judicial finding of a
81 violation. The court may not waive or modify any penalties
82 required under this paragraph.

83 (h) A participant who is arrested and held in custody
84 under this section whose alleged violation is not adjudicated
85 within 24 hours of his or her arrest must be released at the
86 earliest possible opportunity. Release of a participant under
87 this paragraph does not end the offender's participation in the
88 program.

89 (i) A court may reduce the frequency of testing for
90 alcohol consumption to once per day for a participant who has
91 zero adjudicated program violations for 60 consecutive days.

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92 (j) A court may reduce the frequency of testing for
93 controlled substances to once per week for a participant who has
94 zero adjudicated program violations for 6 consecutive months.

95 (k) Upon successful completion of half the term of
96 participation, the court may place the person on administrative
97 probation pursuant to s. 948.013 for the remainder of the term
98 of supervision, or may terminate the person's probation.

99 (l) Upon five adjudicated violations of program
100 conditions, a court may discharge the participant from the
101 program and sentence the offender as authorized by law. Nothing
102 in this paragraph shall preclude a court from modifying the
103 conditions of a participant's supervision, including revocation
104 of supervision, upon any other violation of supervision
105 conditions.

106 (m) Participants shall pay all fees associated with
107 participation in the program. However, a court may reduce or
108 eliminate program fees for a participant who has been declared
109 indigent.

110 (4) The program established under this section shall
111 include a program coordinator, whose duties shall include
112 identifying and hiring personnel to ensure efficient
113 administration of the program. The sheriff of the participating
114 county may make subgrants to any appropriate agency for hiring
115 personnel under this subsection.

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116 (5) A court may not order participation in the program in
117 lieu of mandatory placement of an ignition interlock device as
118 described in s. 316.193.

119 (6) By June 30, 2028, the Attorney General shall complete
120 an evaluation of program's effectiveness. The Attorney General
121 shall determine the metrics to be evaluated and may contract
122 with a third party to conduct any program evaluations.

123 (7) A report on the pilot program, which must include the
124 number of program participants, the number of program
125 violations, and the number of successful program completions,
126 shall be delivered to the Governor, the President of the Senate,
127 and the Speaker of the House of Representatives by November 30,
128 2028.

129 (8) This section is repealed November 30, 2028.

130 **Section 2.** For fiscal year 2025-2026, the nonrecurring sum
131 of \$2,500,000 to the sheriff in Hillsborough County shall be
132 appropriated from the Opioid Settlement Trust Fund. Funds
133 appropriated under this section may be used for any expenses
134 related to establishing and administering the program through
135 September 30, 2027, including personnel, equipment, training and
136 technical assistance, payments for jail space, data collection,
137 program evaluations, and program fees for indigent participants.

138 **Section 3.** This act shall take effect July 1, 2025.

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T I T L E A M E N D M E N T

Remove lines 6-8 and insert:
program; specifying that eligible participants shall
be advised of the program before entering a plea;
providing for design and implementation of the program
in the county; specifying how long a person may
participate in the program; providing that
participants are entitled to an attorney at any court
hearing related to the program; providing requirements
for the program; authorizing a court to terminate
probation or place a person on administrative
probation under specified circumstances related to the
program; specifying personnel requirements;