

1 A bill to be entitled

2 An act relating to criminal offender substance abuse  
3 pilot program; creating s. 948.22, F.S.; creating a  
4 substance abuse accountability pilot program in a  
5 specified county; providing for eligibility for the  
6 program; specifying that eligible participants shall  
7 be advised of the program before entering a plea;  
8 providing for design and implementation of the program  
9 in the county; specifying how long a person may  
10 participate in the program; providing that  
11 participants are entitled to an attorney at any court  
12 hearing related to the program; providing requirements  
13 for the program; authorizing a court to terminate  
14 probation or place a person on administrative  
15 probation under specified circumstances related to the  
16 program; specifying personnel requirements;  
17 authorizing subgrants for personnel needs; specifying  
18 that program participation does not supersede ignition  
19 interlock requirements; requiring program evaluation  
20 by a specified date; requiring a report to certain  
21 officials by a specified date; providing for repeal of  
22 provisions; providing an appropriation; providing an  
23 effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27       **Section 1. Section 948.22, Florida Statutes, is created to**  
28 **read:**

29       948.22 Substance Abuse Accountability Pilot Program.—

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

33       (2) Among persons convicted of a felony or first-degree  
34 misdemeanor and who are placed on probation, for which  
35 abstention from alcohol or controlled substances is a condition  
36 of compliance, a court shall designate a subset identified as  
37 eligible for the program. Among this eligible pool, individuals  
38 will be randomly assigned to participate in the program. All  
39 persons deemed eligible shall have the same probability of  
40 assignment to the program and shall participate in the program  
41 if assigned. No more than 150 offenders may participate in the  
42 program at any one time.

43       (a) Prior to entering any plea agreement that includes a  
44 term of probation and any condition of compliance that would  
45 make a person eligible for the program, the person must be  
46 explicitly advised that he or she may be randomly assigned to  
47 participate in the program. All terms and conditions of the  
48 program shall be explained to the person, and the person shall  
49 acknowledge in writing that he or she understands such terms and  
50 conditions and is entering a plea freely and voluntarily.

51       (3) The sheriff of the participating county, in  
52 consultation with the chief judge of the judicial circuit, the  
53 state attorney, and the Department of Corrections, shall design  
54 and implement the program. The sheriff may contract with a third  
55 party to assist with program design and implementation. However,  
56 the program established under this section must include all of  
57 the following elements:

58       (a) Notwithstanding any other law, the sheriff shall  
59 manage the supervision of all participants during their  
60 participation in the program. Upon discharge from the program,  
61 the participants shall be managed in accordance with current law  
62 for any remaining term of supervision.

63       (b) Participants shall attend an in-person judicial  
64 hearing at which a judge shall explain to the participants all  
65 program conditions and sanctions for noncompliance. A  
66 participant's term of participation in the program shall be for  
67 the same length as the term of probation for which he or she was  
68 sentenced, but may not exceed the expiration of the program.  
69 Participants are entitled to an attorney at any court hearing  
70 related to the program. A court shall appoint a public defender  
71 for a participant who is eligible to be represented by a public  
72 defender under s. 27.51.

73       (c) A participant who is ordered to abstain from alcohol  
74 shall be tested twice per day by mobile breath alcohol testing.  
75 Testing shall be completed in person at the participating county

76 sheriff's office or an alternate location designated by the  
77 sheriff's office, approximately 12 hours apart. However, if a  
78 court determines that in-person testing is unreasonably  
79 burdensome to a participant, the participant may instead be  
80 ordered to wear a continuous monitoring device capable of  
81 detecting and signaling the presence of alcohol.

82 (d) A participant who is ordered to abstain from  
83 controlled substances shall be tested randomly, at least twice  
84 every 7 days, with no fewer than 60 hours between tests. Testing  
85 shall be completed in person at the participating county  
86 sheriff's office or an alternate location designated by the  
87 sheriff's office, by a method determined by the sheriff.

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

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

97 (g) Upon a judicial finding that a participant has  
98 committed a violation of the program, the participant shall be  
99 ordered to serve 24 hours in county jail, with credit for time  
100 served between his or her arrest and the judicial finding of a

101 violation. The court may not waive or modify any penalties  
102 required under this paragraph.

103 (h) A participant who is arrested and held in custody  
104 under this section whose alleged violation is not adjudicated  
105 within 24 hours of his or her arrest must be released at the  
106 earliest possible opportunity. Release of a participant under  
107 this paragraph does not end the offender's participation in the  
108 program.

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

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

115 (k) Upon successful completion of half the term of  
116 participation, the court may place the person on administrative  
117 probation pursuant to s. 948.013 for the remainder of the term  
118 of supervision, or may terminate the person's probation.

119 (l) Upon five adjudicated violations of program  
120 conditions, a court may discharge the participant from the  
121 program and sentence the offender as authorized by law. Nothing  
122 in this paragraph shall preclude a court from modifying the  
123 conditions of a participant's supervision, including revocation  
124 of supervision, upon any other violation of supervision  
125 conditions.

126 (m) Participants shall pay all fees associated with  
127 participation in the program. However, a court may reduce or  
128 eliminate program fees for a participant who has been declared  
129 indigent.

130 (4) The program established under this section shall  
131 include a program coordinator, whose duties shall include  
132 identifying and hiring personnel to ensure efficient  
133 administration of the program. The sheriff of the participating  
134 county may make subgrants to any appropriate agency for hiring  
135 personnel under this subsection.

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

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

143 (7) A report on the pilot program, which must include the  
144 number of program participants, the number of program  
145 violations, and the number of successful program completions,  
146 shall be delivered to the Governor, the President of the Senate,  
147 and the Speaker of the House of Representatives by November 30,  
148 2028.

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

150 **Section 2.** For fiscal year 2025-2026, the nonrecurring sum

151 of \$2,500,000 to the sheriff in Hillsborough County shall be  
152 appropriated from the Opioid Settlement Trust Fund. Funds  
153 appropriated under this section may be used for any expenses  
154 related to establishing and administering the program through  
155 September 30, 2027, including personnel, equipment, training and  
156 technical assistance, payments for jail space, data collection,  
157 program evaluations, and program fees for indigent participants.

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