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CS/CS/CS/HB 1095

2025 Legislature

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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 and participation in the program or place a
15 person on administrative probation under specified
16 circumstances related to the program; specifying
17 personnel requirements; authorizing subgrants for
18 personnel needs; specifying that program participation
19 does not supersede ignition interlock requirements;
20 requiring program evaluation by a specified date;
21 requiring a report to certain officials by a specified
22 date; providing for repeal of provisions; providing
23 for pass-through of funds; specifying the use of
24 funds; providing an effective date.
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26 Be It Enacted by the Legislature of the State of Florida:

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

30 948.22 Substance Abuse Accountability Pilot Program.—

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

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

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

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51 conditions and is entering a plea freely and voluntarily.

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

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

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

74 (c) A participant who is ordered to abstain from alcohol
75 shall be tested twice per day by mobile breath alcohol testing.

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

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

89 | (e) A missed test, failed test, or alert by a continuous
90 | monitoring device of a positive test result shall be probable
91 | cause that a participant has committed a violation of the
92 | program. However, the presence of a federally approved
93 | medication lawfully prescribed to a participant for the
94 | treatment of a substance use disorder shall not constitute a
95 | failed test or positive test result for purposes of establishing
96 | probable cause under this paragraph.

97 | (f) If there is probable cause that a participant has
98 | committed a violation of the program, the participant shall be
99 | arrested at the earliest opportunity and held in county jail
100 | until an appearance before a judge which must occur no later

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101 than 24 hours after the participant's arrest.

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

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

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

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

120 (k) Upon successful completion of half the term of
121 participation, the court may place the person on administrative
122 probation pursuant to s. 948.013 for the remainder of the term
123 of supervision, or may terminate the person's probation and
124 participation in the program.

125 (l) Upon five adjudicated violations of program

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126 conditions, a court may discharge the participant from the
127 program and sentence the offender as authorized by law. Nothing
128 in this paragraph shall preclude a court from modifying the
129 conditions of a participant's supervision, including revocation
130 of supervision, upon any other violation of supervision
131 conditions.

132 (m) Participants shall pay all fees associated with
133 participation in the program. However, a court may reduce or
134 eliminate program fees for a participant who has been declared
135 indigent.

136 (4) The program established under this section shall
137 include a program coordinator, whose duties shall include
138 identifying and hiring personnel to ensure efficient
139 administration of the program. The sheriff of the participating
140 county may make subgrants to any appropriate agency for hiring
141 personnel under this subsection.

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

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

149 (7) A report on the pilot program, which must include the
150 number of program participants, the number of program

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151 violations, and the number of successful program completions,
 152 shall be delivered to the Governor, the President of the Senate,
 153 and the Speaker of the House of Representatives by November 30,
 154 2028.

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

156 Section 2. Subject to specific appropriation, the state
 157 courts system shall pass-through any funds appropriated for the
 158 pilot program to the entity responsible for program design and
 159 implementation. Any funds awarded under this section must be
 160 used for expenses related to establishing and administering the
 161 program, including personnel, equipment, training and technical
 162 assistance, payments for jail space, data collection, program
 163 evaluations, and program fees for indigent participants.

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