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LEGISLATIVE ACTION

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| Senate | . | House |
| Comm: RCS | . | |
| 04/11/2025 | . | |
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The Appropriations Committee on Criminal and Civil Justice
(Gruters) recommended the following:

Senate Amendment

Delete lines 65 - 91
and insert:
conditions and sanctions for noncompliance. Except as provided
in paragraph (k), a participant's term of participation in the
program shall be for the same length as the term of probation
for which he or she was sentenced, but may not exceed the
expiration of the program. Participants are entitled to an
attorney at any court hearing related to the program. A court



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11 shall appoint a public defender for a participant who is
12 eligible to be represented by a public defender under s. 27.51.

13 (c) A participant who is ordered to abstain from alcohol
14 shall be tested twice per day by mobile breath alcohol testing.
15 Testing shall be completed in person at the participating county
16 sheriff's office or an alternate location designated by the
17 sheriff's office, approximately 12 hours apart. However, if a
18 court determines that in-person testing is unreasonably
19 burdensome to a participant, the participant may instead be
20 ordered to wear a continuous monitoring device capable of
21 detecting and signaling the presence of alcohol.

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

28 (e) A missed test, failed test, or alert by a continuous
29 monitoring device of a positive test result shall be probable
30 cause that a participant has committed a violation of the
31 program. However, the presence of a federally approved
32 medication lawfully prescribed to a participant for the
33 treatment of a substance use disorder shall not constitute a
34 failed test or positive test result for purposes of establishing
35 probable cause under this paragraph.