

By Senator Gruters

22-00452A-25

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1 A bill to be entitled
2 An act relating to a 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; providing for design and implementation of
7 the program in the county; providing requirements for
8 the program; specifying personnel requirements;
9 authorizing subgrants for personnel needs; specifying
10 that program participation does not supersede ignition
11 interlock requirements; requiring program evaluation
12 by a specified date; requiring a report to certain
13 officials by a specified date; providing for repeal of
14 provisions; providing an appropriation; providing an
15 effective date.

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17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Section 948.22, Florida Statutes, is created to
20 read:

21 948.22 Substance Abuse Accountability Pilot Program.-

22 (1) A Substance Abuse Accountability Pilot Program is
23 established in Hillsborough County from October 1, 2025, through
24 September 30, 2027.

25 (2) Among persons charged with or convicted of a felony or
26 first-degree misdemeanor and who are placed on probation,
27 community control, or any other community sanction, including
28 supervised pretrial release, for which abstention from alcohol
29 or controlled substances is a condition of compliance, a court

22-00452A-25

20251140__

30 shall designate a subset identified as eligible for the program.
31 Among this eligible pool, individuals will be randomly assigned
32 to participate in the program. All persons deemed eligible shall
33 have the same probability of assignment to the program. No more
34 than 150 offenders may participate in the program at any one
35 time.

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

43 (a) Notwithstanding any other law, the sheriff shall manage
44 the supervision of all participants during their participation
45 in the program. Upon discharge from the program, the
46 participants shall be managed in accordance with current law for
47 any remaining term of supervision.

48 (b) Participants shall attend an in-person judicial hearing
49 at which a judge shall explain to the participants all program
50 conditions and sanctions for noncompliance.

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

22-00452A-25

20251140__

59 detecting and signaling the presence of alcohol.

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

66 (e) Missed tests, failed tests, and alerts by a continuous
67 monitoring device of a positive test result shall be probable
68 cause that a participant has violated the program.

69 (f) If there is probable cause that a participant has
70 violated the program, the participant shall be arrested at the
71 earliest opportunity and held in county jail until an appearance
72 before a judge no later than 24 hours after the participant's
73 arrest.

74 (g) Upon a judicial finding that a participant has violated
75 the program, the participant shall serve 24 hours in county
76 jail, with credit for time served between the arrest of the
77 participant and the judicial finding of a violation. Penalties
78 under this paragraph may not be waived or modified.

79 (h) A participant who is arrested and held under this
80 section whose alleged violation is not adjudicated within 24
81 hours of the participant's arrest must be released at the
82 earliest possible opportunity. Release of a participant under
83 this paragraph does not end the offender's participation in the
84 program.

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

22-00452A-25

20251140__

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

91 (k) Upon five adjudicated violations of program conditions,
92 a court may discharge the participant from the program and
93 sentence the offender as authorized by law. Nothing in this
94 paragraph shall preclude a court from modifying the conditions
95 of a participant's supervision, including revocation of
96 supervision, upon any other violation of supervision conditions.

97 (l) Participants shall pay all fees associated with
98 participation in the program. However, a court may reduce
99 program fees for a participant who has been declared indigent.

100 (4) The program established under this section shall
101 include a program coordinator, whose duties shall include
102 identifying and hiring personnel to ensure efficient
103 administration of the program. The sheriff of the participating
104 county may make subgrants to any appropriate agency for hiring
105 personnel under this subsection.

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

109 (6) By June 30, 2028, the Attorney General shall complete
110 an evaluation of program effectiveness. The Attorney General
111 shall determine the metrics to be evaluated and may contract
112 with a third party to conduct any program evaluations.

113 (7) A report on the pilot program, including results of all
114 program evaluations, shall be delivered to the Governor, the
115 President of the Senate, and the Speaker of the House of
116 Representatives by November 30, 2028.

22-00452A-25

20251140__

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

118 Section 2. For fiscal year 2025-2026, the nonrecurring sum
119 of \$2.5 million to the sheriff in Hillsborough County shall be
120 appropriated from the Opioid Settlement Trust Fund. Funds
121 appropriated under this section may be used for any expenses
122 related to establishing and administering the program through
123 September 30, 2027, including personnel, equipment, training and
124 technical assistance, payments for jail space, data collection,
125 program evaluations, and program fees for indigent participants.

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