

**By** the Appropriations Committee on Criminal and Civil Justice;  
the Committee on Criminal Justice; and Senator Gruters

604-03475-25

20251140c2

A bill to be entitled

An act relating to a criminal offender substance abuse pilot program; creating s. 948.22, F.S.; creating a substance abuse accountability pilot program in a specified county; providing for eligibility for the program; specifying that eligible participants shall be advised of the program before entering a plea; providing for design and implementation of the program; 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 and participation in the program or place a person on administrative probation under specified circumstances related to the program; specifying personnel requirements; authorizing subgrants for personnel needs; specifying that program participation does not supersede ignition interlock requirements; requiring program evaluation by a specified date; requiring a report to certain officials by a specified date; providing for repeal of provisions; providing an appropriation; providing an effective date.

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

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

948.22 Substance Abuse Accountability Pilot Program.—

604-03475-25

20251140c2

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) (a) 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       (b) 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 manage

604-03475-25

20251140c2

59 the supervision of all participants during their participation  
60 in the program. Upon discharge from the program, the  
61 participants shall be managed in accordance with current law for  
62 any remaining term of supervision.

63 (b) Participants shall attend an in-person judicial hearing  
64 at which a judge shall explain to the participants all program  
65 conditions and sanctions for noncompliance. Except as provided  
66 in paragraph (k), a participant's term of participation in the  
67 program shall be for the same length as the term of probation  
68 for which he or she was sentenced, but may not exceed the  
69 expiration of the program. Participants are entitled to an  
70 attorney at any court hearing related to the program. A court  
71 shall appoint a public defender for a participant who is  
72 eligible to be represented by a public 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 controlled  
83 substances shall be tested randomly, at least twice every 7  
84 days, with no fewer than 60 hours between tests. Testing shall  
85 be completed in person at the participating county sheriff's  
86 office or an alternate location designated by the sheriff's  
87 office, by a method determined by the sheriff.

604-03475-25

20251140c2

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. However, the presence of a federally approved  
92 medication lawfully prescribed to a participant for the  
93 treatment of a substance use disorder shall not constitute a  
94 failed test or positive test result for purposes of establishing  
95 probable cause under this paragraph.

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

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

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

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

116       (j) A court may reduce the frequency of testing for

604-03475-25

20251140c2

117 controlled substances to once per week for a participant who has  
118 zero adjudicated program violations for 6 consecutive months.

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

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

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

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

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

143 (6) By June 30, 2028, the Attorney General shall complete  
144 an evaluation of the program's effectiveness. The Attorney  
145 General shall determine the metrics to be evaluated and may

604-03475-25

20251140c2

146 contract with a third party to conduct any program evaluations.

147 (7) A report on the pilot program, which must include the  
148 number of program participants, the number of program  
149 violations, and the number of successful program completions,  
150 shall be delivered to the Governor, the President of the Senate,  
151 and the Speaker of the House of Representatives by November 30,  
152 2028.

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

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

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