

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Smith offered the following:

2
3 **Amendment**

4 Remove lines 2-65 and insert:

5 An act relating to drug-free workplaces; amending s.
6 112.0455, F.S.; revising the definition of the term
7 "job applicant," defining the term "random testing,"
8 and removing the definition of the term "safety-
9 sensitive position" for purposes of the Drug-Free
10 Workplace Act; requiring drug testing to be conducted
11 within each state agency's appropriation; authorizing
12 a state agency to conduct random drug testing every 3
13 months; providing testing selection requirements;
14 removing provisions prohibiting a state agency from
15 discharging or disciplining an employee under certain
16 circumstances based on the employee's first positive

669955

Approved For Filing: 2/29/2012 1:58:19 PM

Amendment No.

17 confirmed drug test; removing provisions limiting the
18 circumstances under which an agency may discharge an
19 employee in a special risk or safety-sensitive
20 position; providing that an agency may discharge or
21 discipline an employee following a first-time positive
22 confirmed drug test result; authorizing an agency to
23 refer an employee to an employee assistance program or
24 an alcohol and drug rehabilitation program if the
25 employee is not discharged; requiring participation in
26 an employee assistance program or an alcohol and drug
27 rehabilitation program at the employee's own expense
28 or at the expense of a health insurance plan;
29 requiring the employer to determine if the employee is
30 able to safely and effectively perform the job duties
31 assigned to the employee while the employee is
32 participating in the employee assistance program or
33 alcohol and drug rehabilitation program; deeming that
34 certain specified job activities cannot be performed
35 safely and effectively while the employee is
36 participating in the employee assistance program or
37 alcohol and drug rehabilitation program; requiring the
38 employer to transfer the employee to a job assignment
39 that he or she can perform safely and effectively
40 while the employee participates in the employee
41 assistance program or alcohol and drug rehabilitation
42 program; requiring the employer to place the employee
43 on leave status while the employee is participating in
44 an employee assistance program or an alcohol and drug

669955

Approved For Filing: 2/29/2012 1:58:19 PM

Amendment No.

45 rehabilitation program if such a position is
46 unavailable; authorizing the employee to use
47 accumulated leave credits before being placed on leave
48 without pay; amending s. 440.102, F.S.; revising the
49 definition of the term "job applicant" as it pertains
50 to a public employer; removing the definition of the
51 term "safety-sensitive position" and replacing it with
52 the definition for the term "mandatory-testing
53 position;" providing that an employer remains
54 qualified for an insurer rate plan that discounts
55 rates for workers' compensation and employer's
56 liability insurance policies if the employer maintains
57 a drug-free workplace program that is broader in scope
58 than that provided for by the standards and procedures
59 established in the act; authorizing a public employer,
60 using an unbiased selection procedure, to conduct
61 random drug tests of employees occupying mandatory-
62 testing or special-risk positions if the testing is
63 performed in accordance with drug-testing rules
64 adopted by the Agency for Health Care Administration;
65 requiring that a public sector employer assign a
66 public sector employee to a position other than a
67 mandatory-testing position if the employee enters an
68 employee assistance program or drug and alcohol
69 rehabilitation program; amending s. 944.474, F.S.;

70 revising

669955

Approved For Filing: 2/29/2012 1:58:19 PM