



473858

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2017	.	
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The Committee on Children, Families, and Elder Affairs (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsections (1) and (2) of section 414.0652,  
Florida Statutes, are amended to read:

414.0652 Drug screening for applicants for Temporary  
Assistance for Needy Families.—

(1) (a) The department shall require a drug test consistent  
with s. 112.0455 to screen each individual who applies for



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11 Temporary Assistance for Needy Families (TANF) who:

12 1. Has been convicted of committing or attempting to commit  
13 a drug-related felony under chapter 893 within the last 10  
14 years; and

15 2. The department has a reasonable suspicion is engaging in  
16 the illegal use of a controlled substance.

17 (b) The cost of drug testing is the responsibility of the  
18 individual tested.

19 ~~(a) An individual subject to the requirements of this~~  
20 ~~section includes any parent or caretaker relative who is~~  
21 ~~included in the cash assistance group, including an individual~~  
22 ~~who may be exempt from work activity requirements due to the age~~  
23 ~~of the youngest child or who may be exempt from work activity~~  
24 ~~requirements under s. 414.065(4).~~

25 (c) ~~(b)~~ An individual who tests positive for controlled  
26 substances as a result of a drug test required under this  
27 section is ineligible to receive TANF benefits for 1 year after  
28 the date of the positive drug test unless the individual meets  
29 the requirements of paragraph (2) (h) ~~(2) (j)~~.

30 (2) The department shall:

31 (a) Provide notice of drug testing to each individual at  
32 the time of application. The notice must advise the individual  
33 that drug testing will be conducted as a condition for receiving  
34 TANF benefits and that the individual must bear the cost of  
35 testing. If the individual tests negative for controlled  
36 substances, the department shall increase the amount of the  
37 initial TANF benefit by the amount paid by the individual for  
38 the drug testing. The individual shall be advised that the  
39 required drug testing may be avoided if the individual does not



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40 apply for TANF benefits. Dependent children under the age of 18  
41 are exempt from the drug-testing requirement.

42 ~~(b) Require that for two parent families, both parents must~~  
43 ~~comply with the drug testing requirement.~~

44 ~~(c) Require that any teen parent who is not required to~~  
45 ~~live with a parent, legal guardian, or other adult caretaker~~  
46 ~~relative in accordance with s. 414.095(14) (c) must comply with~~  
47 ~~the drug testing requirement.~~

48 ~~(b)~~ (d) Advise each individual to be tested, before the test  
49 is conducted, that he or she may, but is not required to, advise  
50 the agent administering the test of any prescription or over-  
51 the-counter medication he or she is taking.

52 ~~(c)~~ (e) Require each individual to be tested to sign a  
53 written acknowledgment that he or she has received and  
54 understood the notice and advice provided under paragraphs (a)  
55 and ~~(b)~~ (d).

56 ~~(d)~~ (f) Assure each individual being tested a reasonable  
57 degree of dignity while producing and submitting a sample for  
58 drug testing, consistent with the state's need to ensure the  
59 reliability of the sample.

60 ~~(e)~~ (g) Specify circumstances under which an individual who  
61 fails a drug test has the right to take one or more additional  
62 tests.

63 ~~(f)~~ (h) Inform an individual who tests positive for a  
64 controlled substance and is deemed ineligible for TANF benefits  
65 that the individual may reapply for those benefits 1 year after  
66 the date of the positive drug test unless the individual meets  
67 the requirements of paragraph ~~(h)~~ (j). If the individual tests  
68 positive again, he or she is ineligible to receive TANF benefits



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69 for 3 years after the date of the second positive drug test  
70 unless the individual meets the requirements of paragraph (h)  
71 ~~(j)~~.

72 (g)~~(i)~~ Provide any individual who tests positive with a  
73 list of licensed substance abuse treatment providers available  
74 in the area in which he or she resides that meet the  
75 requirements of s. 397.401 and are licensed by the department.  
76 Neither the department nor the state is responsible for  
77 providing or paying for substance abuse treatment as part of the  
78 screening conducted under this section.

79 (h)~~(j)~~ Allow an individual who tests positive under this  
80 section and is denied TANF benefits as a result to ~~may~~ reapply  
81 for those benefits after 6 months if the individual can document  
82 the successful completion of a substance abuse treatment program  
83 offered by a provider that meets the requirements of s. 397.401  
84 and is licensed by the department. An individual who has met the  
85 requirements of this paragraph and reapplies for TANF benefits  
86 must also pass an initial drug test and meet the requirements of  
87 subsection (1). Any drug test conducted while the individual is  
88 undergoing substance abuse treatment must meet the requirements  
89 of subsection (1). The cost of any drug testing and substance  
90 abuse treatment provided under this section shall be the  
91 responsibility of the individual being tested and receiving  
92 treatment. An individual who fails the drug test required under  
93 subsection (1) may reapply for benefits under this paragraph  
94 only once.

95 Section 2. This act shall take effect July 1, 2017.

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97 ===== T I T L E A M E N D M E N T =====



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98 And the title is amended as follows:

99 Delete everything before the enacting clause

100 and insert:

101 A bill to be entitled

102 An act relating to drug screening for Temporary

103 Assistance for Needy Families applicants amending s.

104 414.0652, F.S.; requiring the Department of Children

105 and Families to perform a drug test on an applicant

106 for TANF benefits with a prior drug-related felony

107 conviction and who the department reasonably suspects

108 is engaging in the illegal use of a controlled

109 substance; deleting a provision stating which

110 individuals are subject to specified requirements;

111 deleting department duties to require specified

112 individuals to comply with the drug-testing

113 requirements; providing an effective date.