

By Senator Holzendorf

2-855-98

1 A bill to be entitled
2 An act relating to public assistance; providing
3 legislative intent and findings; providing for
4 demonstration projects to be implemented which
5 require drug testing for individuals who apply
6 for temporary assistance or services under the
7 "Work and Gain Economic Self-sufficiency
8 (WAGES) Act"; providing for expiration of the
9 demonstration projects unless reauthorized by
10 the Legislature; directing the Department of
11 Children and Family Services to implement the
12 demonstration projects in specified service
13 areas of the department; requiring certain
14 notice; providing procedures for screening,
15 testing, retesting, and appeal of test results;
16 providing for notice of local substance abuse
17 programs; requiring the department to provide
18 for substance abuse treatment programs for
19 certain persons; specifying circumstances
20 resulting in termination of temporary
21 assistance or services; requiring the
22 department and the local WAGES coalitions to
23 evaluate the demonstration projects and report
24 to the WAGES Program State Board of Directors
25 and the Legislature; providing an effective
26 date.

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

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30 Section 1. Legislative intent and findings.--
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1 (1) It is the intent of the Legislature that the
2 provisions of this act enhance the employability of
3 participants in the WAGES Program through drug screening,
4 testing, and treatment.

5 (2) The Legislature finds that there is a perception
6 on the part of employers that the individuals who receive
7 temporary assistance or services under the WAGES Program are
8 likely to use drugs, and that such perception adds to the
9 difficulties such individuals have in securing employment.

10 (3) The Legislature also finds that the failure of
11 individuals to achieve the independence provided by gainful
12 employment results in welfare costs that burden the state's
13 taxpayers.

14 (4) The Legislature further finds that drug use
15 adversely effects a significant portion of the workforce,
16 which results in billions of dollars of lost productivity each
17 year and poses a threat to the safety of the workplace and to
18 public safety and security.

19 (5) In balancing the interests of taxpayers,
20 participants in the WAGES Program, and potential employers
21 against the interests of those who will be screened and tested
22 under this act, the Legislature finds that drug screening,
23 testing, and treatment as provided for in this act are in the
24 greater interests of all concerned.

25 Section 2. Drug testing and screening program;
26 procedures.--

27 (1) The Department of Children and Family Services, in
28 consultation with the local WAGES coalitions in service areas
29 3 and 8, shall develop and, as soon as possible after January
30 1, 1999, implement a demonstration project in service areas 3
31 and 8 to screen and test each applicant for temporary

1 assistance or services provided under chapter 414, Florida
2 Statutes, for the illegal use of controlled substances. Unless
3 reauthorized by the Legislature, this demonstration project
4 expires June 30, 2001. As used in this act, the term
5 "applicant" means an individual who first applies for
6 assistance or services under the WAGES Program. Screening and
7 testing for the illegal use of controlled substances is not
8 required if the individual reapplies during any continuous
9 period in which the individual receives assistance or
10 services.

11 (2) Under the demonstration project the Department of
12 Children and Family Services shall:

13 (a) Provide notice of the drug screening and testing
14 program to each applicant at the time of application. The
15 notice must advise the applicant that drug screening and
16 testing will be conducted as a condition for receiving
17 temporary assistance or services under chapter 414, Florida
18 Statutes, and shall specify the assistance or services that
19 are subject to this requirement. The notice must also advise
20 the applicant that a prospective employer may require the
21 applicant to submit to a preemployment drug test. The
22 applicant shall be advised that the required drug test may be
23 avoided if the applicant does not apply for or receive
24 assistance or services.

25 (b) Develop a procedure for conducting drug testing of
26 applicants for temporary assistance or services under the
27 WAGES Program.

28 (c) Provide a procedure to advise each person to be
29 tested, before the test is conducted, that he or she may, but
30 is not required to, advise the agent administering the test of

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1 any prescription or over-the-counter medication he or she is
2 taking.

3 (d) Require each person to be tested to sign a written
4 acknowledgment that he or she has received and understood the
5 notice and advice provided under paragraphs (a) and (c).

6 (e) Provide a procedure to assure each person being
7 tested a reasonable degree of dignity while producing and
8 submitting a sample for drug testing, consistent with the
9 state's need to ensure the reliability of the sample.

10 (f) Specify circumstances under which a person who
11 fails a drug test has the right to take one or more additional
12 tests.

13 (g) Provide a procedure for appealing the results of a
14 drug test by a person who fails a test and for advising the
15 appellant that he or she may, but is not required to, advise
16 appropriate staff of any prescription or over-the-counter
17 medication he or she has been taking.

18 (h) Notify each person who fails a drug test of the
19 local substance abuse treatment programs that may be available
20 to such person.

21 Section 3. Treatment.--The Department of Children and
22 Family Services shall provide a substance abuse treatment
23 program for a person who fails a drug test conducted under
24 this act and is eligible to receive temporary assistance or
25 services under the WAGES Program. The department shall provide
26 for a retest at the end of the treatment period. Failure to
27 pass the retest will result in the termination of temporary
28 assistance or services provided under chapter 414, Florida
29 Statutes, and of any right to appeal the termination.

30 Section 4. Evaluations and recommendations.--
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1 (1) The Department of Children and Family Services, in
2 conjunction with the local WAGES coalitions in service areas 3
3 and 8, shall conduct a comprehensive evaluation of the
4 demonstration projects operated under this act. By January 1,
5 2000, the department, in conjunction with the local WAGES
6 coalitions involved, shall report to the WAGES Program State
7 Board of Directors and to the Legislature on the status of the
8 initial implementation of the demonstration projects and shall
9 specifically describe the problems encountered and the amounts
10 expended during the first year of operation.

11 (2) By January 1, 2001, the department, in conjunction
12 with the local WAGES coalitions involved, shall provide a
13 comprehensive evaluation to the WAGES Program State Board of
14 Directors and to the Legislature, which must include:

15 (a) The impact of the drug screening and testing
16 program on employability, job placement, job retention, and
17 salary levels of program participants.

18 (b) Recommendations, based in part on a cost and
19 benefit analysis, as to the feasibility of expanding the
20 program to other local WAGES service areas, including specific
21 recommendations for implementing such expansion of the
22 program.

23 Section 5. This act shall take effect October 1, 1998.
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SENATE SUMMARY

Requires that the Department of Children and Family Services implement demonstration projects in service areas 3 and 8 to require drug testing of each person who applies for temporary assistance or services under the WAGES Program. Provides for the demonstration projects to expire on June 30, 2001. Provides requirements for implementing the demonstration projects. Requires that the department provide substance abuse treatment for a person who fails a drug test and who is eligible for temporary assistance or services. Requires that the department and the local WAGES coalitions evaluate the demonstration projects and report to the WAGES Program State Board of Directors and the Legislature.