

By Representative Arnall

1 A bill to be entitled
2 An act relating to public assistance; creating
3 s. 414.103, F.S.; providing for screening of
4 applicants for and recipients of temporary
5 assistance or services under the "Work and Gain
6 Economic Self-sufficiency (WAGES) Act" for
7 illegal use of controlled substances; providing
8 responsibilities of the Department of Children
9 and Family Services; providing requirements
10 relating to notice of and procedures for drug
11 testing; providing for random testing of
12 recipients; providing for certain retesting and
13 appeal of test results; providing for notice to
14 certain persons of local substance abuse
15 assistance programs; providing circumstances
16 resulting in ineligibility for or termination
17 of temporary assistance or services; providing
18 certain limitations; providing an effective
19 date.

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

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23 Section 1. Section 414.103, Florida Statutes, is
24 created to read:

25 414.103 Screening for illegal use of controlled
26 substances.--The Department of Children and Family Services
27 shall develop and implement a program to screen applicants for
28 and recipients of temporary assistance or services provided
29 under this chapter, for the illegal use of controlled
30 substances. Each applicant or recipient must pass one or more
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1 such screening tests as a condition for receiving or
2 continuing to receive such assistance or services.
3 (1) Under this program the department shall:
4 (a) Provide advance notice, or reasonable opportunity
5 for advance notice, of such screening to each applicant and
6 recipient of temporary assistance or services. The notice
7 shall advise that there is a drug testing requirement as a
8 condition for applying for and receiving temporary assistance
9 or services under this chapter, and shall specify the
10 assistance and services subject to this requirement.
11 (b) Provide actual notice to each applicant and
12 recipient, which shall advise that there is a drug testing
13 requirement as a condition for applying for and receiving such
14 assistance or services. The notice shall also advise that the
15 required drug test may be avoided by not applying for or
16 receiving such assistance or services.
17 (c) Provide a procedure to advise each person tested,
18 before the test is conducted, that he or she may, but is not
19 required to, advise the agent administering the test of any
20 prescription or over-the-counter medication he or she is
21 taking.
22 (d) Require each applicant and recipient to sign a
23 written acknowledgment that he or she has received and
24 understood the notice and advice provided under paragraphs (b)
25 and (c).
26 (e) Provide a procedure for randomly requiring a
27 percentage of persons receiving temporary assistance or
28 services under this chapter to take the drug test provided for
29 under this section.
30 (f) Provide a procedure to assure each person being
31 tested a reasonable degree of dignity while producing and

1 submitting a urine, blood, or other sample, consistent with
2 the state's need to ensure reliability of the sample.

3 (g) Specify circumstances under which a person who
4 fails a drug test has the right to take one or more additional
5 tests.

6 (h) Provide a procedure for appeal of drug test
7 results by a person who fails a test, and for advising the
8 appellant that he or she may, but is not required to, advise
9 appropriate staff of any prescription or over-the-counter
10 medication he or she has been taking.

11 (i) Notify each person who fails a drug test of the
12 local substance abuse assistance programs that may be
13 available to such person.

14 (j) Provide time periods or other criteria under which
15 an applicant who fails a drug test may reapply for eligibility
16 for temporary assistance or services provided under this
17 chapter.

18 (k) Provide a 90-day rehabilitation period for a
19 recipient who fails a drug test, and provide for a retest at
20 the end of the 90-day period. Failure to pass the retest will
21 result in the termination of temporary assistance or services
22 provided under this chapter.

23 (2) Screening provided under this section shall be
24 limited solely to the detection of the illegal use of
25 controlled substances and shall not be conducted for any other
26 purpose. The department shall not develop or implement any
27 procedure designed to advise law enforcement authorities as to
28 whether an applicant or recipient of temporary assistance or
29 services has passed or failed a drug test under this section.

30 Section 2. This act shall take effect October 1, 1997.

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HOUSE SUMMARY

Requires the Department of Children and Family Services to develop and implement a program to screen applicants for and recipients of temporary assistance or services under ch. 414, F.S., the "Work and Gain Economic Self-sufficiency (WAGES) Act," for illegal use of controlled substances. Provides requirements, including notice of and procedures for drug testing and procedures for retesting and appeal of test results. Provides limitations. Provides for random testing of a percentage of recipients of temporary assistance or services. Provides circumstances resulting in ineligibility for or termination of assistance or services.