

By the Committee on Children & Family Empowerment and Representatives Arnall, Fasano, Sanderson, Albright, Feeney, Wise, Morroni, Byrd, Lacasa, Bainter, Thrasher, Bitner, Ziebarth, Culp and Boyd

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

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

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21 Section 1. Section 414.103, Florida Statutes, is
22 created to read:
23 414.103 Random testing for illegal use of controlled
24 substances.--The Department of Children and Family Services
25 shall develop and implement a program to randomly test
26 applicants for temporary assistance or services provided under
27 this chapter for the illegal use of controlled substances. The
28 provisions of this section shall only take effect to the
29 extent that funds and treatment slots are available
30 specifically for providing for a 90-day nonresidential
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1 rehabilitation treatment program for recipients who test
2 positive under testing conducted pursuant to this section.
3 (1) Under this program the department shall:
4 (a) Provide advance notice, or reasonable opportunity
5 for advance notice, of such random testing. The notice shall
6 advise that there is a random drug testing requirement as a
7 condition for receiving temporary assistance or services under
8 this chapter, and shall specify the assistance and services
9 subject to this requirement.
10 (b) Prior to testing, provide actual notice to each
11 person to be tested, which shall advise that the random drug
12 testing requirement is a condition for receiving assistance or
13 services. The notice shall also advise that the required drug
14 test may be avoided by not applying for and receiving such
15 assistance or services and that, in the event of a positive
16 test, the person tested will be referred to a local substance
17 abuse assistance program.
18 (c) Provide a procedure to advise each person tested,
19 before the test is conducted, that he or she may, but is not
20 required to, advise the agent administering the test of any
21 prescription or over-the-counter medication he or she is
22 taking.
23 (d) Require each person to be tested to sign a written
24 acknowledgement that he or she has received and understood the
25 notice and advice provided under paragraphs (b) and (c).
26 (e) Provide a procedure for the random drug test
27 provided for under this section.
28 (f) Provide a procedure to assure each person being
29 tested a reasonable degree of dignity while producing and
30 submitting a urine, blood, or other sample, consistent with
31 the state's need to ensure reliability of the sample.

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

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

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

12 (j) Provide a 90-day nonresidential rehabilitation
13 treatment program for a person who fails a random drug test
14 and has been determined to be eligible to receive WAGES
15 assistance and services, and provide for a retest at the end
16 of the 90-day period. Failure to pass the retest will result
17 in the termination of temporary assistance or services
18 provided under this chapter.

19 (2) Random drug testing provided under this section
20 shall be limited solely to the detection of the illegal use of
21 controlled substances and shall not be conducted for any other
22 purpose. The department shall not develop or implement any
23 procedure designed to advise law enforcement authorities as to
24 whether a person has passed or failed a drug test under this
25 section.

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