

By the Committees on Health & Human Services  
 Appropriations, 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 drug testing  
 4           under the "Work and Gain Economic  
 5           Self-sufficiency (WAGES) Act" for illegal use  
 6           of controlled substances; providing legislative  
 7           intent and findings; directing the Department  
 8           of Children and Family Services to implement a  
 9           program to screen and test WAGES Program  
 10          applicants; requiring certain notice; providing  
 11          procedures for screening, testing, retesting,  
 12          and appeal of test results; providing for  
 13          notice of local substance abuse programs;  
 14          requiring the department to provide a  
 15          rehabilitation treatment program for certain  
 16          persons; specifying circumstances resulting in  
 17          termination of temporary assistance or  
 18          services; providing limitations; providing for  
 19          rules; providing an effective date.

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

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

25           414.103 Testing for illegal use of controlled  
 26 substances.--

27           (1) INTENT.--It is the intent of the Legislature that  
 28 this section be used to enhance the employability of  
 29 participants in the WAGES Program through a program of drug  
 30 screening, testing, and treatment.

31           (2) FINDINGS.--

1           (a) The Legislature finds that a perception by  
2 employers that WAGES Program participants who are dependent  
3 upon public assistance are more likely to have used drugs adds  
4 to the difficulties of all WAGES Program participants in  
5 securing employment.

6           (b) The Legislature also finds that the failure of  
7 individuals to achieve the independence provided by gainful  
8 employment results in welfare costs which place a burden on  
9 Florida taxpayers.

10           (c) The Legislature further finds that drug use has  
11 serious adverse effects upon a significant portion of the  
12 workforce, resulting in billions of dollars of lost  
13 productivity each year and posing a threat to the workplace  
14 and to public safety and security.

15           (d) In balancing the interests of taxpayers, of all  
16 WAGES participants, and of potential employers with the  
17 interests of those who will be screened and tested under this  
18 section, the Legislature finds that drug screening, testing,  
19 and treatment as provided in this section are in the greater  
20 interest of all concerned.

21           (3) PROGRAM; PROCEDURES.--The Department of Children  
22 and Family Services shall develop and, as soon as possible  
23 after January 1, 1998, implement a program to screen and test  
24 applicants for temporary assistance or services provided under  
25 this chapter for the illegal use of controlled substances. As  
26 used in this section, the term "applicant" applies to the  
27 first application in a continuous period of benefits.  
28 Screening for the illegal use of controlled substances is not  
29 required during a reapplication within a continuous period of  
30 benefits.

31           (a) Under this program the department shall:

1           1. Provide advance notice, or reasonable opportunity  
2 for advance notice, of drug screening and testing. The notice  
3 shall advise that drug screening and testing may be conducted  
4 as a condition for receiving temporary assistance or services  
5 under this chapter, and shall specify the assistance and  
6 services subject to this requirement. The notice shall include  
7 advising the applicant that prospective employers may require  
8 the applicant to submit to a preemployment drug test.

9           2. Develop a procedure for conducting drug screening  
10 of applicants for assistance or services under the WAGES  
11 Program to determine if there is a reasonable basis for  
12 conducting a drug test. In the event a reasonable basis for  
13 conducting a test is established, the applicant shall be made  
14 aware of local substance abuse programs.

15           3. Based on the drug screening and funds available for  
16 treatment, conduct random drug tests on WAGES Program  
17 applicants for whom the screening has provided a reasonable  
18 basis for conducting a drug test. If sufficient treatment  
19 funds are available, the department may conduct tests on all  
20 applicants for whom the screening has provided a reasonable  
21 basis for conducting a drug test.

22           4. Prior to testing, provide actual notice to each  
23 person to be tested, which shall advise that the drug test is  
24 a condition for receiving assistance or services. The notice  
25 shall also advise that the required drug test may be avoided  
26 by not applying for and receiving such assistance or services.

27           5. Provide a procedure to advise each person to be  
28 tested, before the test is conducted, that he or she may, but  
29 is not required to, advise the agent administering the test of  
30 any prescription or over-the-counter medication he or she is  
31 taking.

1           6. Require each person to be tested to sign a written  
2 acknowledgment that he or she has received and understood the  
3 notice and advice provided under subparagraphs 1., 4., and 5.

4           7. Provide a procedure to assure each person being  
5 tested a reasonable degree of dignity while producing and  
6 submitting a drug test sample, consistent with the state's  
7 need to ensure reliability of the sample.

8           8. Specify circumstances under which a person who  
9 fails a drug test has the right to take one or more additional  
10 tests.

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

16           10. Notify each person who fails a drug test of the  
17 local substance abuse programs that may be available to such  
18 person.

19           (b) The provisions of this section shall take effect  
20 only to the extent that funds and treatment slots are  
21 available specifically for implementing this section.

22           (4) TREATMENT.--The department shall provide a  
23 rehabilitation treatment program for a person who fails a drug  
24 test conducted under this section and has been determined to  
25 be eligible to receive WAGES Program assistance and services,  
26 and shall provide for a retest at the end of the treatment  
27 period. Failure to pass the retest will result in the  
28 termination of temporary assistance or services provided under  
29 this chapter.

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(5) RULES.--The department shall adopt rules  
establishing the screening, testing, retesting, notification,  
appeal, and treatment procedures required by this section.

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