

By Senator Campbell

33-859A-99

1 A bill to be entitled
2 An act relating to drug-free workplace
3 programs; amending s. 287.087, F.S.; providing
4 additional requirements in order for a business
5 to be certified as having a drug-free workplace
6 and given preference in contracts by the state
7 or local governments; amending s. 440.101,
8 F.S.; requiring that certain employers in the
9 construction industry implement a drug-free
10 workplace program; providing an effective date.

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

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14 Section 1. Present subsections (5) and (6) of section
15 287.087, Florida Statutes, are redesignated as subsections (6)
16 and (7), respectively, and a new subsection (5) is added to
17 that section, to read:

18 287.087 Preference to businesses with drug-free
19 workplace programs.--Whenever two or more bids which are equal
20 with respect to price, quality, and service are received by
21 the state or by any political subdivision for the procurement
22 of commodities or contractual services, a bid received from a
23 business that certifies that it has implemented a drug-free
24 workplace program shall be given preference in the award
25 process. In order to have a drug-free workplace program, a
26 business shall:

27 (5) Notify all employees that it is a condition of
28 employment for an employee to refrain from reporting to work
29 or working with the presence of drugs or alcohol in his or her
30 body and, if an injured employee refuses to submit to a test
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1 for drugs or alcohol, the employee forfeits eligibility for
2 medical and indemnity benefits.

3 Section 2. Subsection (2) of section 440.101, Florida
4 Statutes, is amended, and subsections (3) and (4) are added to
5 that section, to read:

6 440.101 Legislative intent; drug-free workplaces.--

7 (2) If an employer implements a drug-free workplace
8 program in accordance with s. 440.102 which includes notice,
9 education, and procedural requirements for testing for drugs
10 and alcohol pursuant to law or to rules developed by the
11 Agency for Health Care Administration, the employer may
12 require the employee to submit to a test for the presence of
13 drugs or alcohol and, if a drug or alcohol is found to be
14 present in the employee's system at a level prescribed by rule
15 adopted pursuant to this act, the employee may be terminated
16 and forfeits his or her eligibility for medical and indemnity
17 benefits. ~~However, a drug-free workplace program must require~~
18 ~~the employer to notify all employees that it is a condition of~~
19 ~~employment for an employee to refrain from reporting to work~~
20 ~~or working with the presence of drugs or alcohol in his or her~~
21 ~~body and, if an injured employee refuses to submit to a test~~
22 ~~for drugs or alcohol, the employee forfeits eligibility for~~
23 ~~medical and indemnity benefits.~~

24 (3) An employer in the construction industry, as
25 defined and regulated under parts I and II of chapter 489,
26 shall implement a drug-free workplace program in accordance
27 with s. 440.102 for any state-funded construction contract
28 that employs three or more employees and exceeds \$10,000 in
29 value.

30 (4) A drug-free workplace program must require the
31 employer to notify all employees that it is a condition of

1 employment for an employee to refrain from reporting to work
2 or working with the presence of drugs or alcohol in his or her
3 body and, if an injured employee refuses to submit to a test
4 for drugs or alcohol, the employee forfeits eligibility for
5 medical and indemnity benefits.

6 Section 3. This act shall take effect July 1, 1999.

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9 SENATE SUMMARY

10 Provides that, in order for a business to be given
11 preference in the award of contracts for having a
12 drug-free workplace program, the business must notify its
13 employees that remaining free of drugs and alcohol is a
14 condition of employment and that an injured employee
15 forfeits eligibility for medical and indemnity benefits
16 if the employee refuses to submit to a test for drugs or
17 alcohol. Requires that employers in the construction
18 industry implement a drug-free workplace program for
19 certain state-funded construction contracts.
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