

By Representative Crady

1 A bill to be entitled
2 An act relating to random drug testing;
3 creating s. 402.355, F.S.; providing authority
4 for the Department of Children and Family
5 Services to issue random drug testing for
6 certain classes of employees; providing an
7 effective date.

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

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11 Section 1. Section 402.355, Florida Statutes, is
12 created to read:

13 402.355 Drug testing employees.--

14 (1) It is the intent of the Legislature that the
15 Department of Children and Family Services provide a drug-free
16 workplace in accordance with s. 112.0455 for both clients and
17 employees.

18 (2) Persons whose duties include providing care to
19 children, the developmentally disabled, disabled adults, and
20 elderly persons for 15 hours or more per week, together with
21 those who supervise those persons, and all employees of the
22 central abuse hotline are deemed to be in safety-sensitive
23 positions as defined in s. 112.0455.

24 (3) The department shall require all job applicants,
25 employees, and volunteers whose duties are or would be as
26 described in subsection (2) to be tested for drugs pursuant to
27 the procedures and requirements of s. 112.0455, the Drug-Free
28 Workplace Act.

29 (4) In order to ensure the safety of clients and
30 employees of the department and notwithstanding the notice,
31 reasonable suspicion, and cause provisions in s. 112.0455, the

1 department may develop a program for random drug testing, and
2 randomly test persons as specified in subsection (2) and those
3 persons who require certification under chapter 633 or chapter
4 943. These random tests are in addition to any other tests
5 that are permitted under s. 112.0455. All other procedural
6 safeguards, appellate rights, and provisions of s. 112.0455
7 apply.

8 (4) The department may adopt rules, policies, and
9 procedures necessary to administer this section.

10 Section 2. This act shall take effect upon becoming a
11 law.

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14 SENATE SUMMARY

15 Authorizes the Department of Children and Family Services
16 to provide random drug testing for certain employees in
17 accordance with the Drug-Free Workplace Act.
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