

1                                   A bill to be entitled  
2           An act relating to drug-free workplaces;  
3           amending s. 440.102, F.S.; clarifying that drug  
4           testing must be conducted in conformity with  
5           the section to qualify as having a drug-free  
6           workplace program; requiring certain  
7           contractors to implement a drug-free workplace  
8           program under certain circumstances; providing  
9           an effective date.

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

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13           Section 1. Subsection (2) of section 440.102, Florida  
14 Statutes, is amended, and subsection (15) is added to said  
15 section, to read:

16           440.102 Drug-free workplace program requirements.--The  
17 following provisions apply to a drug-free workplace program  
18 implemented pursuant to law or to rules adopted by the Agency  
19 for Health Care Administration:

20           (2) DRUG TESTING.--An employer may test an employee or  
21 job applicant for any drug described in paragraph (1)(c). In  
22 order to qualify as having established a drug-free workplace  
23 program under this section and have ~~which affords an employer~~  
24 the ability to qualify for the discounts provided under s.  
25 627.0915 and deny medical and indemnity benefits, under this  
26 chapter, all drug testing, which conforms to ~~conducted by~~  
27 ~~employers shall be in conformity with~~ the standards and  
28 procedures established in this section and all applicable  
29 rules adopted pursuant to this section, must be conducted as  
30 required in subsection (4). However, an employer does not have  
31 a legal duty under this section to request an employee or job

1 applicant to undergo drug testing. If an employer fails to  
 2 maintain a drug-free workplace program in accordance with the  
 3 standards and procedures established in this section and in  
 4 applicable rules, the employer shall not be eligible for  
 5 discounts under s. 627.0915. All employers qualifying for and  
 6 receiving discounts provided under s. 627.0915 must be  
 7 reported annually by the insurer to the division.

8       (15) STATE CONSTRUCTION CONTRACTS.--Each construction  
 9 contractor, as regulated under part I of chapter 489, and each  
 10 electrical contractor and alarm system contractor, as  
 11 regulated under part II of chapter 489, who contracts to  
 12 perform construction work under a state contract for  
 13 educational facilities as governed by chapter 235, public  
 14 property and publicly owned buildings as governed by chapter  
 15 255, or state correctional facilities as governed by chapter  
 16 944 shall implement a drug-free workplace program under this  
 17 section.

18       Section 2. This act shall take effect October 1, 2001.  
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