

By Representative Benson

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 that section in order for an employer to
6 qualify as having a drug-free workplace
7 program; requiring certain contractors to
8 implement a drug-free workplace program under
9 certain circumstances; providing an effective
10 date.

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

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

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

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

1 a legal duty under this section to request an employee or job
2 applicant to undergo drug testing. If an employer fails to
3 maintain a drug-free workplace program in accordance with the
4 standards and procedures established in this section and in
5 applicable rules, the employer is ineligible ~~shall not be~~
6 ~~eligible~~ for discounts under s. 627.0915. All employers
7 qualifying for and receiving discounts provided under s.
8 627.0915 must be reported annually by the insurer to the
9 division.

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

19 Section 2. This act shall take effect October 1, 2002.

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22 SENATE SUMMARY

23 Provides criteria for drug testing by employers. Requires
24 specified contractors to implement a drug-free workplace
25 program when performing certain work under state
26 contract.
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