

By Senator Hill

1-1720-04

See HB

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A bill to be entitled  
An act relating to procurement; amending s.  
287.087, F.S.; requiring businesses to have a  
drug-free workplace program to be eligible to  
be awarded a state contract; providing an  
effective date.

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

Section 1. Section 287.087, Florida Statutes, is  
amended to read:

287.087 ~~Preference to~~ Businesses with drug-free  
workplace programs.--~~Whenever two or more bids, proposals, or  
replies that are equal with respect to price, quality, and  
service are received by~~ The state or ~~by~~ any political  
subdivision thereof may not award a contract for the  
procurement of commodities or contractual services ~~to, a bid,  
proposal, or reply received from~~ a business unless the  
business that certifies that it has implemented a drug-free  
workplace program ~~shall be given preference in the award  
process~~. In order to have a drug-free workplace program, a  
business shall:

(1) Publish a statement notifying employees that the  
unlawful manufacture, distribution, dispensing, possession, or  
use of a controlled substance is prohibited in the workplace  
and specifying the actions that will be taken against  
employees for violations of such prohibition.

(2) Inform employees about the dangers of drug abuse  
in the workplace, the business's policy of maintaining a  
drug-free workplace, any available drug counseling,  
rehabilitation, and employee assistance programs, and the

**CODING:**Words ~~stricken~~ are deletions; words underlined are additions.

1 penalties that may be imposed upon employees for drug abuse  
2 violations.

3 (3) Give each employee engaged in providing the  
4 commodities or contractual services that are under bid a copy  
5 of the statement specified in subsection (1).

6 (4) In the statement specified in subsection (1),  
7 notify the employees that, as a condition of working on the  
8 commodities or contractual services that are under bid, the  
9 employee will abide by the terms of the statement and will  
10 notify the employer of any conviction of, or plea of guilty or  
11 nolo contendere to, any violation of chapter 893 or of any  
12 controlled substance law of the United States or any state,  
13 for a violation occurring in the workplace no later than 5  
14 days after such conviction.

15 (5) Impose a sanction on, or require the satisfactory  
16 participation in a drug abuse assistance or rehabilitation  
17 program if such is available in the employee's community by,  
18 any employee who is so convicted.

19 (6) Make a good faith effort to continue to maintain a  
20 drug-free workplace through implementation of this section.

21 Section 2. This act shall take effect October 1, 2004.

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