By the Committees on Governmental Oversight and Productivity; Criminal Justice; and Senator Wise

585-2334-06

1	A bill to be entitled
2	An act relating to drug testing within the
3	Department of Corrections; amending s. 944.474,
4	F.S.; authorizing the department to develop a
5	program for testing employees who are in
6	safety-sensitive and high-risk positions for
7	certain controlled substances based upon a
8	reasonable suspicion; providing for the
9	reasonable suspicion to include violent acts or
10	behavior of an employee while on or off duty;
11	requiring that the department adopt rules;
12	providing an effective date.
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14	Be It Enacted by the Legislature of the State of Florida:
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16	Section 1. Subsection (2) of section 944.474, Florida
17	Statutes, is amended to read:
18	944.474 Legislative intent; employee wellness program;
19	drug and alcohol testing
20	(2) Under no circumstances shall employees of the
21	department test positive for illegal use of controlled
22	substances. An employee of the department may not be under the
23	influence of alcohol while on duty. In order to ensure that
24	these prohibitions are adhered to by all employees of the
25	department and notwithstanding s. 112.0455, the department may
26	develop a program for the random drug testing of all
27	employees. The department may randomly evaluate employees for
28	the contemporaneous use or influence of alcohol through the
29	use of alcohol tests and observation methods. Notwithstanding
30	s. 112.0455, the department may develop a program for the
31	reasonable-suspicion drug testing of employees who are in

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

1	safety-sensitive or special-risk positions, as defined in s.
2	112.0455(5)(n), for the controlled substances listed in s.
3	893.03(3)(d). The reasonable-suspicion drug testing authorized
4	by this subsection shall be conducted pursuant to s. 112.0455,
5	but may also include testing upon reasonable suspicion based
6	on violent acts or violent behavior of an employee who is on
7	or off duty. The department shall adopt rules pursuant to ss.
8	120.536(1) and 120.54 which are necessary to administer this
9	subsection.
10	Section 2. This act shall take effect July 1, 2006.
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12	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
13	CS for SB 1736
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15	Changes made in committee rephrase the persons affected by the testing provision to specify the individuals are those covered
16	under current law in s. 112.0455, F.S.
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