

HB 7137

2006  
CS

CHAMBER ACTION

1 The Governmental Operations Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to drug testing within the Department of  
7 Corrections; amending s. 944.474, F.S.; authorizing the  
8 department to develop a program for testing employees who  
9 are in safety-sensitive and special risk positions for  
10 certain controlled substances based upon a reasonable  
11 suspicion; providing for the reasonable suspicion to  
12 include violent acts or behavior of an employee while on  
13 or off duty; requiring the department to adopt rules;  
14 providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Subsection (2) of section 944.474, Florida  
19 Statutes, is amended to read:

20 944.474 Legislative intent; employee wellness program;  
21 drug and alcohol testing.--

22 (2) Under no circumstances shall employees of the  
23 department test positive for illegal use of controlled

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24 substances. An employee of the department may not be under the  
25 influence of alcohol while on duty. In order to ensure that  
26 these prohibitions are adhered to by all employees of the  
27 department and notwithstanding s. 112.0455, the department may  
28 develop a program for the random drug testing of all employees.  
29 The department may randomly evaluate employees for the  
30 contemporaneous use or influence of alcohol through the use of  
31 alcohol tests and observation methods. Notwithstanding s.  
32 112.0455(5)(a), the department may develop a program for the  
33 reasonable suspicion drug testing of employees who are in  
34 safety-sensitive or special risk positions, as defined in s.  
35 112.0455(5), for the controlled substances listed in s.  
36 893.03(3)(d). The reasonable suspicion drug testing authorized  
37 by this subsection shall be conducted in accordance with s.  
38 112.0455, but may also include testing upon reasonable suspicion  
39 based on violent acts or violent behavior of an employee who is  
40 on or off duty. The department shall adopt rules pursuant to ss.  
41 120.536(1) and 120.54 that are necessary to administer this  
42 subsection.

43 Section 2. This act shall take effect July 1, 2006.