

1 A bill to be entitled

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

16 944.474 Legislative intent; employee wellness program;
17 drug and alcohol testing.--

18 (2) Under no circumstances shall employees of the
19 department test positive for illegal use of controlled
20 substances. An employee of the department may not be under the
21 influence of alcohol while on duty. In order to ensure that
22 these prohibitions are adhered to by all employees of the
23 department and notwithstanding s. 112.0455, the department may
24 develop a program for the random drug testing of all employees.
25 The department may randomly evaluate employees for the
26 contemporaneous use or influence of alcohol through the use of
27 alcohol tests and observation methods. Notwithstanding s.

28 | 112.0455(5)(a), the department may develop a program for the
29 | reasonable suspicion drug testing of employees who are in
30 | safety-sensitive or special risk positions, as defined in s.
31 | 112.0455(5), for the controlled substances listed in s.
32 | 893.03(3)(d). The reasonable suspicion drug testing authorized
33 | by this subsection shall be conducted in accordance with s.
34 | 112.0455, but may also include testing upon reasonable suspicion
35 | based on violent acts or violent behavior of an employee who is
36 | on or off duty. The department shall adopt rules pursuant to ss.
37 | 120.536(1) and 120.54 that are necessary to administer this
38 | subsection.

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