

ENROLLED

CS/CS/CS/CS/HB 353, Engrossed 1

2011 Legislature

1 A bill to be entitled

2 An act relating to drug screening of potential and
3 existing beneficiaries of Temporary Assistance for Needy
4 Families; creating s. 414.0652, F.S.; requiring the
5 Department of Children and Family Services to perform a
6 drug test on an applicant for Temporary Assistance for
7 Needy Families benefits; requiring such individual to bear
8 the cost of the drug test; requiring the department to
9 provide, and the applicant to acknowledge receipt of,
10 notice of the drug-screening policy; requiring the
11 department to increase the amount of the initial TANF
12 benefit by the amount paid by the individual for the drug
13 testing; providing procedures for testing and retesting;
14 requiring the department to provide information concerning
15 local substance abuse treatment programs to an individual
16 who tests positive; providing conditions for an individual
17 to reapply for Temporary Assistance for Needy Families
18 benefits; providing that, if a parent is ineligible as a
19 result of failing a drug test, the eligibility of the
20 children is not affected; providing conditions for
21 designating another protective payee; providing rulemaking
22 authority to the department; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. Section 414.0652, Florida Statutes, is created
27 to read:

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28 414.0652 Drug screening for applicants for Temporary
29 Assistance for Needy Families.—

30 (1) The department shall require a drug test consistent
31 with s. 112.0455 to screen each individual who applies for
32 Temporary Assistance for Needy Families (TANF). The cost of drug
33 testing is the responsibility of the individual tested.

34 (a) An individual subject to the requirements of this
35 section includes any parent or caretaker relative who is
36 included in the cash assistance group, including an individual
37 who may be exempt from work activity requirements due to the age
38 of the youngest child or who may be exempt from work activity
39 requirements under s. 414.065(4).

40 (b) An individual who tests positive for controlled
41 substances as a result of a drug test required under this
42 section is ineligible to receive TANF benefits for 1 year after
43 the date of the positive drug test unless the individual meets
44 the requirements of paragraph (2)(j).

45 (2) The department shall:

46 (a) Provide notice of drug testing to each individual at
47 the time of application. The notice must advise the individual
48 that drug testing will be conducted as a condition for receiving
49 TANF benefits and that the individual must bear the cost of
50 testing. If the individual tests negative for controlled
51 substances, the department shall increase the amount of the
52 initial TANF benefit by the amount paid by the individual for
53 the drug testing. The individual shall be advised that the
54 required drug testing may be avoided if the individual does not
55 apply for TANF benefits. Dependent children under the age of 18

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56 are exempt from the drug-testing requirement.

57 (b) Require that for two-parent families, both parents
58 must comply with the drug-testing requirement.

59 (c) Require that any teen parent who is not required to
60 live with a parent, legal guardian, or other adult caretaker
61 relative in accordance with s. 414.095(14) (c) must comply with
62 the drug-testing requirement.

63 (d) Advise each individual to be tested, before the test
64 is conducted, that he or she may, but is not required to, advise
65 the agent administering the test of any prescription or over-
66 the-counter medication he or she is taking.

67 (e) Require each individual to be tested to sign a written
68 acknowledgment that he or she has received and understood the
69 notice and advice provided under paragraphs (a) and (d).

70 (f) Assure each individual being tested a reasonable
71 degree of dignity while producing and submitting a sample for
72 drug testing, consistent with the state's need to ensure the
73 reliability of the sample.

74 (g) Specify circumstances under which an individual who
75 fails a drug test has the right to take one or more additional
76 tests.

77 (h) Inform an individual who tests positive for a
78 controlled substance and is deemed ineligible for TANF benefits
79 that the individual may reapply for those benefits 1 year after
80 the date of the positive drug test unless the individual meets
81 the requirements of paragraph (j). If the individual tests
82 positive again, he or she is ineligible to receive TANF benefits
83 for 3 years after the date of the second positive drug test

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84 unless the individual meets the requirements of paragraph (j).

85 (i) Provide any individual who tests positive with a list
86 of licensed substance abuse treatment providers available in the
87 area in which he or she resides that meet the requirements of s.
88 397.401 and are licensed by the department. Neither the
89 department nor the state is responsible for providing or paying
90 for substance abuse treatment as part of the screening conducted
91 under this section.

92 (j) An individual who tests positive under this section
93 and is denied TANF benefits as a result may reapply for those
94 benefits after 6 months if the individual can document the
95 successful completion of a substance abuse treatment program
96 offered by a provider that meets the requirements of s. 397.401
97 and is licensed by the department. An individual who has met the
98 requirements of this paragraph and reapplies for TANF benefits
99 must also pass an initial drug test and meet the requirements of
100 subsection (1). Any drug test conducted while the individual is
101 undergoing substance abuse treatment must meet the requirements
102 of subsection (1). The cost of any drug testing and substance
103 abuse treatment provided under this section shall be the
104 responsibility of the individual being tested and receiving
105 treatment. An individual who fails the drug test required under
106 subsection (1) may reapply for benefits under this paragraph
107 only once.

108 (3) If a parent is deemed ineligible for TANF benefits as
109 a result of failing a drug test conducted under this section:

110 (a) The dependent child's eligibility for TANF benefits is
111 not affected.

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112 (b) An appropriate protective payee shall be designated to
113 receive benefits on behalf of the child.

114 (c) The parent may choose to designate another individual
115 to receive benefits for the parent's minor child. The designated
116 individual must be an immediate family member or, if an
117 immediate family member is not available or the family member
118 declines the option, another individual, approved by the
119 department, may be designated. The designated individual must
120 also undergo drug testing before being approved to receive
121 benefits on behalf of the child. If the designated individual
122 tests positive for controlled substances, he or she is
123 ineligible to receive benefits on behalf of the child.

124 (4) The department shall adopt rules to implement this
125 section.

126 Section 2. This act shall take effect July 1, 2011.