

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; providing procedures  
11          for testing and retesting; requiring the department to  
12          provide information concerning local substance abuse  
13          treatment programs to an individual who tests positive;  
14          providing that, if a parent is ineligible as a result of  
15          failing a drug test, the eligibility of the children is  
16          not affected; providing conditions for designating another  
17          protective payee; providing rulemaking authority to the  
18          department; providing an effective date.

19  
20   Be It Enacted by the Legislature of the State of Florida:

21  
22          Section 1.   Section 414.0652, Florida Statutes, is created  
23   to read:

24          414.0652 Drug screening for applicants for Temporary  
25   Assistance for Needy Families.—

26          (1) The department shall require a drug test consistent  
27   with s. 112.0455 to screen each individual who applies for  
28   Temporary Assistance for Needy Families (TANF). The cost of drug

29 testing is the responsibility of the individual tested.

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

36 (b) An individual who tests positive for controlled  
37 substances as a result of a drug test required under this  
38 section is ineligible to receive TANF benefits for 1 year after  
39 the date of the positive drug test.

40 (2) The department shall:

41 (a) Provide notice of drug testing to each individual at  
42 the time of application. The notice must advise the individual  
43 that drug testing will be conducted as a condition for receiving  
44 TANF benefits and that the individual must bear the cost of  
45 testing. The individual shall be advised that the required drug  
46 testing may be avoided if the individual does not apply for TANF  
47 benefits. Children under the age of 18 are exempt from the drug-  
48 testing requirement.

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

51 (c) Advise each individual to be tested, before the test  
52 is conducted, that he or she may, but is not required to, advise  
53 the agent administering the test of any prescription or over-  
54 the-counter medication he or she is taking.

55 (d) Require each individual to be tested to sign a written  
56 acknowledgment that he or she has received and understood the

57 notice and advice provided under paragraphs (a) and (c).

58 (e) Assure each individual being tested a reasonable  
59 degree of dignity while producing and submitting a sample for  
60 drug testing, consistent with the state's need to ensure the  
61 reliability of the sample.

62 (f) Specify circumstances under which an individual who  
63 fails a drug test has the right to take one or more additional  
64 tests.

65 (g) Inform an individual who tests positive for a  
66 controlled substance and is deemed ineligible for TANF benefits  
67 that the individual may reapply for those benefits 1 year after  
68 the date of the positive drug test. If the individual tests  
69 positive again, he or she is ineligible to receive TANF benefits  
70 for 3 years after the date of the second positive drug test.

71 (h) Provide any individual who tests positive with  
72 information concerning substance abuse treatment programs that  
73 may be available in the area in which he or she resides. Neither  
74 the department nor the state is responsible for providing or  
75 paying for substance abuse treatment as part of the screening  
76 conducted under this section.

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

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

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

83 (c) The parent may choose to designate another individual  
84 to receive benefits for the parent's minor child. The designated

CS/CS/HB 353

2011

85 individual must be an immediate family member or, if an  
86 immediate family member is not available or the family member  
87 declines the option, another individual, approved by the  
88 department, may be designated. The designated individual must  
89 also undergo drug testing before being approved to receive  
90 benefits on behalf of the child. If the designated individual  
91 tests positive for controlled substances, he or she is  
92 ineligible to receive benefits on behalf of the child.

93 (4) The department shall adopt rules to implement this  
94 section.

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