

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 conditions for an individual to reapply for  
15          Temporary Assistance for Needy Families benefits;  
16          providing that, if a parent is ineligible as a result of  
17          failing a drug test, the eligibility of the children is  
18          not affected; providing conditions for designating another  
19          protective payee; providing rulemaking authority to the  
20          department; providing an effective date.

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22   Be It Enacted by the Legislature of the State of Florida:

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24           Section 1. Section 414.0652, Florida Statutes, is created  
25   to read:

26           414.0652 Drug screening for applicants for Temporary  
27   Assistance for Needy Families.—

28           (1) The department shall require a drug test consistent

29 with s. 112.0455 to screen each individual who applies for  
30 Temporary Assistance for Needy Families (TANF). The cost of drug  
31 testing is the responsibility of the individual tested.

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

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

43 (2) The department shall:

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

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

54 (c) Require that any teen parent who is not required to  
55 live with a parent, legal guardian, or other adult caretaker  
56 relative in accordance with s. 414.095(14)(c) must comply with

57 the drug-testing requirement.

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

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

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

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

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

80 (i) Provide any individual who tests positive with a list  
81 of licensed substance abuse treatment providers available in the  
82 area in which he or she resides that meet the requirements of s.  
83 397.401 and are licensed by the department. Neither the  
84 department nor the state is responsible for providing or paying

85 for substance abuse treatment as part of the screening conducted  
86 under this section.

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

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

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

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

109 (c) The parent may choose to designate another individual  
110 to receive benefits for the parent's minor child. The designated  
111 individual must be an immediate family member or, if an  
112 immediate family member is not available or the family member

CS/CS/CS/CS/HB 353

2011

113 declines the option, another individual, approved by the  
114 department, may be designated. The designated individual must  
115 also undergo drug testing before being approved to receive  
116 benefits on behalf of the child. If the designated individual  
117 tests positive for controlled substances, he or she is  
118 ineligible to receive benefits on behalf of the child.

119 (4) The department shall adopt rules to implement this  
120 section.

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