

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.

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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:

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

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

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.

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.