



117026

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2011	.	
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The Committee on Criminal Justice (Dockery) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 414.145, Florida Statutes, is created to read:

414.145 Drug-screening program.-

(1) The Department of Children and Family Services, shall require a drug test consistent with s. 112.0455 to screen each individual that applies for Temporary Assistance to Needy Families (TANF). The cost of drug testing shall be the responsibility of the individual.



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13 (a) Individuals subject to the requirements of this section
14 include any parent or caretaker relative who is included in the
15 cash assistance group, including individuals who may be exempt
16 from work activity requirements due to the age of the youngest
17 child or who may be excepted from work activity requirements
18 under s. 414.065(4).

19 (b) Individuals who test positive for controlled substances
20 as a result of a drug test required under this law will be
21 ineligible to receive TANF benefits for one year.

22 (2) The Department of Children and Family Services shall:

23 (a) Provide notice of drug testing to each individual at
24 the time of application. The notice must advise the individual
25 that drug testing will be conducted as a condition for receiving
26 TANF benefits, and that the individual must bear the cost of
27 testing. The individual shall be advised that the required drug
28 testing may be avoided if the individual does not apply for TANF
29 benefits. Children under the age of 18 shall be exempt from the
30 drug-testing requirement.

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

33 (c) Advise each person to be tested, before the test is
34 conducted, that he or she may, but is not required to, advise
35 the agent administering the test of any prescription or over-
36 the-counter medication he or she is taking.

37 (d) Require each person to be tested to sign a written
38 acknowledgment that he or she has received and understood the
39 notice and advice provided under paragraphs (a) and (c).

40 (e) Assure each person being tested a reasonable degree of
41 dignity while producing and submitting a sample for drug



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42 testing, consistent with the state's need to ensure the
43 reliability of the sample.

44 (f) Specify circumstances under which a person who fails a
45 drug test has the right to take one or more additional tests.

46 (g) Inform individuals who test positive for controlled
47 substances and are deemed ineligible for TANF benefits that they
48 may re-apply for those benefits one year after the date of the
49 positive drug test. If the individual tests positive again, he
50 or she shall be ineligible to receive TANF benefits for three
51 years from the date of the second positive drug test.

52 (h) Provide any individual who tests positive with
53 information concerning substance abuse treatment programs that
54 may be available in the area in which he or she resides. Neither
55 the department nor the state is responsible for providing or
56 paying for substance abuse treatment as part of the screening
57 conducted under this section.

58 (3) Benefits relating to children:

59 (a) If a parent is deemed ineligible for TANF benefits due
60 to the failure of a drug test under this act, his or her
61 dependent child's eligibility for TANF benefits is not affected.

62 (b) If a parent is deemed ineligible for TANF benefits due
63 to the failure of a drug test, an appropriate protective payee
64 will be established for the benefit of the child.

65 (c) The parent may choose to designate another individual
66 to receive benefits for the parent's minor child. The designated
67 individual must be an immediate family member or, if an
68 immediate family member is not available or the family member
69 declines the option, another individual, approved by the
70 department, may be designated. The designated individual must



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71 also undergo drug testing before being approved to receive
72 benefits on behalf of the child. If the designated individual
73 tests positive for controlled substances, he or she will be
74 deemed ineligible to receive benefits on behalf of the child.

75 (4) The Department of Children and Families shall adopt
76 rules as necessary to implement this law.

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

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79 ===== T I T L E A M E N D M E N T =====

80 And the title is amended as follows:

81 Delete everything before the enacting clause

82 and insert:

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A bill to be entitled

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An act relating Temporary Assistance to Needy

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Families; creates s. 414.145 F.S.; requiring the

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Department of Children and Families to perform a drug

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test on individuals who apply for Temporary Assistance

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for Needy Families benefits; makes individuals

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responsible for bearing the cost of drug testing;

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requiring certain notice; providing procedures for

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testing, and retesting; providing for notice of local

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substance abuse programs; providing that, if a parent

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is deemed ineligible due to a failure of a drug test,

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the eligibility of the children will not be affected;

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providing an effective date.