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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/14/2011	.	
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The Committee on Budget Subcommittee on Health and Human Services Appropriations (Oelrich) recommended the following:

Senate Amendment (with title amendment)

Delete lines 32 - 71
and insert:

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

(2) The department shall:

(a) Provide notice of drug testing to each individual at the time of application. The notice must advise the individual



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13 that drug testing will be conducted as a condition for receiving
14 TANF benefits and that the individual must bear the cost of
15 testing. The individual shall be advised that the required drug
16 testing may be avoided if the individual does not apply for TANF
17 benefits. Dependent children under the age of 18 are exempt from
18 the drug-testing requirement.

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

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

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

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

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

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

39 (h) Inform an individual who tests positive for a
40 controlled substance and is deemed ineligible for TANF benefits
41 that the individual may reapply for those benefits 1 year after



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42 the date of the positive drug test unless the individual meets
43 the requirements of paragraph (j). If the individual tests
44 positive again, he or she is ineligible to receive TANF benefits
45 for 3 years after the date of the second positive drug test
46 unless the individual meets the requirements of paragraph (j).

47 (i) Provide any individual who tests positive with a list
48 of licensed substance abuse treatment providers that are
49 available in the area in which he or she resides, that meet the
50 requirements of s. 397.401, and that are licensed by the
51 department. Neither the department nor the state is responsible
52 for providing or paying for substance abuse treatment as part of
53 the screening conducted under this section.

54 (j) Provide a procedure whereby an individual who tests
55 positive under this section and is denied TANF benefits as a
56 result may reapply for those benefits after 6 months if the
57 individual documents successful completion of a substance abuse
58 treatment program offered by a provider that meets the
59 requirements of s. 397.401 and is licensed by the department. An
60 individual who has met the requirements of this paragraph and
61 reapplies for TANF benefits must also pass an initial drug test
62 and meet the requirements of subsection (1). Any drug test
63 conducted while the individual is undergoing substance abuse
64 treatment must meet the requirements of subsection (1). The cost
65 of any drug testing and substance abuse treatment provided under
66 this section is the responsibility of the individual being
67 tested and receiving treatment. An individual who fails the drug
68 test required under subsection (1) may reapply for benefits
69 under this paragraph only once.

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

72 And the title is amended as follows:

73 Delete line 11

74 and insert:

75 abuse programs; providing conditions for an individual
76 to reapply for Temporary Assistance for Needy Families
77 benefits; providing that, if a parent is deemed