

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Government Operations
2 Subcommittee

3 Representative Smith offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 369-397 and insert:

7 1. If an employer refers an employee to an employee
8 assistance program or an alcohol and drug rehabilitation
9 program, the employer must determine whether the employee is
10 able to safely and effectively perform the job duties assigned
11 to the employee while the employee participates in the employee
12 assistance program or the alcohol and drug rehabilitation
13 program.

14 2. An employee whose assigned duties require the employee
15 to carry a firearm, work closely with an employee who carries a
16 firearm, perform life-threatening procedures, work with heavy or
17 dangerous machinery, work as a safety inspector, work with
18 children, work with detainees in the correctional system, work
19 with confidential information or documents pertaining to

Amendment No.

20 criminal investigations, work with controlled substances, hold a
21 position subject to s. 110.1127, or hold a position in which a
22 momentary lapse in attention could result in injury or death to
23 another person, is deemed unable to safely and effectively
24 perform the job duties assigned to the employee while the
25 employee participates in the employee assistance program or the
26 alcohol and drug rehabilitation program.

27 3. If an employer refers an employee to an employee
28 assistance program or an alcohol and drug rehabilitation program
29 and the employer determines that the employee is unable, or the
30 employee is deemed unable, to safely and effectively perform the
31 job duties assigned to the employee before he or she completes
32 the employee assistance program or the alcohol and drug
33 rehabilitation program, the employer shall place the employee in
34 a job assignment that the employer determines the employee can
35 safely and effectively perform while participating in the
36 employee assistance program or the alcohol and drug
37 rehabilitation program.

38 4. If a job assignment in which the employee may safely and
39 effectively perform is unavailable, the employer shall place the
40 employee on leave status while the employee is participating in
41 an employee assistance program or an alcohol and drug
42 rehabilitation program. If placed on leave status
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47 **T I T L E A M E N D M E N T**

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1205 (2012)

Amendment No.

48 Remove lines 20-33 and insert:
49 assistance program or an alcohol and drug rehabilitation program
50 at the employee's own expense; requiring the employer to
51 determine if the employee is able to safely and effectively
52 perform the job duties assigned to the employee while the
53 employee is participating in the employee assistance program or
54 alcohol and drug rehabilitation program; deeming that certain
55 specified job activities cannot be performed safely and
56 effectively while the employee is participating in the employee
57 assistance program or alcohol and drug rehabilitation program;
58 requiring the employer to transfer the employee to a job
59 assignment that he or she can perform safely and effectively
60 while the employee participates in the employee assistance
61 program of alcohol and drug rehabilitation program; requiring
62 the employer to place the employee on leave status while the
63 employee is participating in an employee assistance program or
64 an alcohol and drug rehabilitation program if
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