

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

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1 Committee/Subcommittee hearing bill: Children, Families &  
2 Seniors Subcommittee

3 Representative Latvala offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (1) and (2) of section 414.0652,  
8 Florida Statutes, are amended to read:

9 414.0652 Drug screening for applicants for Temporary  
10 Assistance for Needy Families.—

11 (1) (a) The department shall require a drug test consistent  
12 with s. 112.0455 to screen each individual who applies for  
13 Temporary Assistance for Needy Families (TANF) ~~who:~~

14 1. Has been convicted of committing or attempting to  
15 commit a drug-related felony as provided by chapter 893 within  
16 the last 10 years.

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17        2. The department has a reasonable suspicion is engaging  
18 in the illegal use of a controlled substance.

19        (b) The cost of drug testing is the responsibility of the  
20 individual tested.

21        ~~(a) An individual subject to the requirements of this~~  
22 ~~section includes any parent or caretaker relative who is~~  
23 ~~included in the cash assistance group, including an individual~~  
24 ~~who may be exempt from work activity requirements due to the age~~  
25 ~~of the youngest child or who may be exempt from work activity~~  
26 ~~requirements under s. 414.065(4).~~

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

32        (2) The department shall:

33        (a) Provide notice of drug testing to each individual at  
34 the time of application. The notice must advise the individual  
35 that drug testing will be conducted as a condition for receiving  
36 TANF benefits and that the individual must bear the cost of  
37 testing. If the individual tests negative for controlled  
38 substances, the department shall increase the amount of the  
39 initial TANF benefit by the amount paid by the individual for  
40 the drug testing. The individual shall be advised that the  
41 required drug testing may be avoided if the individual does not

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42 apply for TANF benefits. Dependent children under the age of 18  
43 are exempt from the drug-testing requirement.

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

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

50 (b)~~(d)~~ Advise each individual to be tested, before the  
51 test is conducted, that he or she may, but is not required to,  
52 advise the agent administering the test of any prescription or  
53 over-the-counter medication he or she is taking.

54 (c)~~(e)~~ Require each individual to be tested to sign a  
55 written acknowledgment that he or she has received and  
56 understood the notice and advice provided under paragraphs (a)  
57 and (b)~~(d)~~.

58 (d)~~(f)~~ Assure each individual being tested a reasonable  
59 degree of dignity while producing and submitting a sample for  
60 drug testing, consistent with the state's need to ensure the  
61 reliability of the sample.

62 (e)~~(g)~~ Specify circumstances under which an individual who  
63 fails a drug test has the right to take one or more additional  
64 tests.

65 (f)~~(h)~~ Inform an individual who tests positive for a  
66 controlled substance and is deemed ineligible for TANF benefits

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67 that the individual may reapply for those benefits 1 year after  
68 the date of the positive drug test unless the individual meets  
69 the requirements of paragraph (h)~~(j)~~. If the individual tests  
70 positive again, he or she is ineligible to receive TANF benefits  
71 for 3 years after the date of the second positive drug test  
72 unless the individual meets the requirements of paragraph  
73 (h)~~(j)~~.

74 (g)~~(i)~~ Provide any individual who tests positive with a  
75 list of licensed substance abuse treatment providers available  
76 in the area in which he or she resides that meet the  
77 requirements of s. 397.401 and are licensed by the department.  
78 Neither the department nor the state is responsible for  
79 providing or paying for substance abuse treatment as part of the  
80 screening conducted under this section.

81 (h)~~(j)~~ An individual who tests positive under this section  
82 and is denied TANF benefits as a result may reapply for those  
83 benefits after 6 months if the individual can document the  
84 successful completion of a substance abuse treatment program  
85 offered by a provider that meets the requirements of s. 397.401  
86 and is licensed by the department. An individual who has met the  
87 requirements of this paragraph and reapplies for TANF benefits  
88 must also pass an initial drug test and meet the requirements of  
89 subsection (1). Any drug test conducted while the individual is  
90 undergoing substance abuse treatment must meet the requirements  
91 of subsection (1). The cost of any drug testing and substance

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92 abuse treatment provided under this section shall be the  
93 responsibility of the individual being tested and receiving  
94 treatment. An individual who fails the drug test required under  
95 subsection (1) may reapply for benefits under this paragraph  
96 only once.

97 Section 2. This act shall take effect on July 1, 2017.

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**T I T L E A M E N D M E N T ;**

101

Remove everything before the enacting clause and insert:

102

An act relating to Temporary Assistance for Needy Families

103

applicant drug screening; amending s. 414.0652, F.S.; requiring

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the Department of Children and Families to perform a drug test

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on an applicant for TANF benefits with a prior drug-related

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felony conviction or that the department has reasonable

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suspicion is engaging in the illegal use of a controlled

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substance; providing an effective date.