

HB 1117

2017

1 A bill to be entitled

2 An act relating to Temporary Assistance for Needy Families
3 applicant drug screening; creating s. 414.0653, F.S.;
4 requiring the Department of Children and Families to
5 perform a drug test on an applicant for TANF benefits with
6 a prior felony conviction or history of arrests for a
7 drug-related offense; requiring the department to provide
8 notice of the drug-screening policy; requiring the
9 department to increase the amount of the initial TANF
10 benefit under certain circumstances; providing procedures
11 for testing and retesting; requiring the department to
12 provide information concerning local substance abuse
13 treatment programs to certain individuals; providing
14 conditions for an individual to reapply for TANF benefits;
15 specifying that a child remains eligible for benefits if a
16 parent fails a drug test; providing conditions for
17 designating another protective payee; providing rulemaking
18 authority to the department; providing an effective date.

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20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Section 414.0653, Florida Statutes, is created
23 to read:

24 414.0653 Drug screening for applicants for Temporary
25 Assistance for Needy Families.—

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26 (1) (a) The department shall require a drug test consistent
27 with s. 112.0455, to be administered at the time of application
28 for benefits and every 2 months after that date, to screen each
29 individual who applies for Temporary Assistance for Needy
30 Families (TANF) who:

31 1. Has a previous conviction of committing or attempting
32 to commit a felony listed in chapter 893, relating to drug abuse
33 prevention and control.

34 2. Has a documented history of multiple arrests for drug
35 use or possession within the past 10 years.

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37 The cost of drug testing is the responsibility of the individual
38 tested.

39 (b) An individual who tests positive for controlled
40 substances as a result of a drug test required under this
41 subsection is ineligible to receive TANF benefits for 2 years
42 after the date of the positive drug test unless the individual
43 meets the requirements of paragraph (2) (g).

44 (2) The department shall:

45 (a) Provide notice of drug testing required pursuant to
46 subsection (1) to each individual at the time of application.
47 The notice must advise the individual that drug testing will be
48 conducted as a condition for receiving TANF benefits and that
49 the individual must bear the cost of testing. If the individual
50 tests negative for controlled substances, the department shall

51 increase the amount of the initial TANF benefit by the amount
52 paid by the individual for the drug testing. The individual
53 shall be advised that the required drug testing may be avoided
54 if the individual does not apply for TANF benefits. Dependent
55 children under the age of 18 are exempt from the drug-testing
56 requirement.

57 (b) Advise each individual to be tested, before the test
58 is conducted, that he or she may, but is not required to, advise
59 the agent administering the test of any prescription or over-
60 the-counter medication he or she is taking.

61 (c) Require each individual to be tested to sign a written
62 acknowledgment that he or she has received and understood the
63 notice and advice provided under paragraphs (a) and (b).

64 (d) Assure each individual being tested a reasonable
65 degree of dignity while producing and submitting a sample for
66 drug testing, consistent with the state's need to ensure the
67 reliability of the sample.

68 (e) Inform an individual who tests positive for a
69 controlled substance and is deemed ineligible for TANF benefits
70 that the individual may reapply for those benefits 2 years after
71 the date of the positive drug test unless the individual meets
72 the requirements of paragraph (g). If the individual tests
73 positive again, he or she is ineligible to receive TANF benefits
74 for 3 years after the date of the second positive drug test
75 unless the individual meets the requirements of paragraph (g).

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

83 (g) An individual who tests positive under this section
84 and is denied TANF benefits as a result may reapply for those
85 benefits after 6 months if the individual can document the
86 successful completion of a substance abuse treatment program
87 offered by a provider that meets the requirements of s. 397.401
88 and is licensed by the department. An individual who has met the
89 requirements of this paragraph and reapplies for TANF benefits
90 must also pass an initial drug test and meet the requirements of
91 subsection (1). Any drug test conducted while the individual is
92 undergoing substance abuse treatment must meet the requirements
93 of subsection (1). The cost of any drug testing and substance
94 abuse treatment provided under this section shall be the
95 responsibility of the individual being tested and receiving
96 treatment. An individual who fails the drug test required under
97 subsection (1) may reapply for benefits under this paragraph
98 only once.

99 (3) If a parent is deemed ineligible for TANF benefits as
100 a result of failing a drug test conducted under this section:

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101 (a) The dependent child's eligibility for TANF benefits is
102 not affected.

103 (b) An appropriate protective payee shall be designated to
104 receive benefits on behalf of the child.

105 (c) The parent may choose to designate another individual
106 to receive benefits for the parent's minor child. The designated
107 individual must be an immediate family member or, if an
108 immediate family member is not available or the family member
109 declines the option, another individual, approved by the
110 department, may be designated. The designated individual must
111 also undergo drug testing before being approved to receive
112 benefits on behalf of the child. If the designated individual
113 tests positive for controlled substances, he or she is
114 ineligible to receive benefits on behalf of the child.

115 (4) The department shall adopt rules to implement this
116 section.

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