

By the Committee on Children, Families, and Elder Affairs; and
Senator Latvala

586-02677-17

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1 A bill to be entitled
2 An act relating to drug screening for Temporary
3 Assistance for Needy Families applicants amending s.
4 414.0652, F.S.; requiring the Department of Children
5 and Families to perform a drug test on an applicant
6 for TANF benefits with a prior drug-related felony
7 conviction and who the department reasonably suspects
8 is engaging in the illegal use of a controlled
9 substance; deleting a provision stating which
10 individuals are subject to specified requirements;
11 deleting department duties to require specified
12 individuals to comply with the drug-testing
13 requirements; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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

19 414.0652 Drug screening for applicants for Temporary
20 Assistance for Needy Families.—

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

24 1. Has been convicted of committing or attempting to commit
25 a drug-related felony under chapter 893 within the last 10
26 years; and

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

29 (b) The cost of drug testing is the responsibility of the

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30 individual tested.

31 ~~(a) An individual subject to the requirements of this~~
32 ~~section includes any parent or caretaker relative who is~~
33 ~~included in the cash assistance group, including an individual~~
34 ~~who may be exempt from work activity requirements due to the age~~
35 ~~of the youngest child or who may be exempt from work activity~~
36 ~~requirements under s. 414.065(4).~~

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

42 (2) The department shall:

43 (a) Provide notice of drug testing to each individual at
44 the time of application. The notice must advise the individual
45 that drug testing will be conducted as a condition for receiving
46 TANF benefits and that the individual must bear the cost of
47 testing. If the individual tests negative for controlled
48 substances, the department shall increase the amount of the
49 initial TANF benefit by the amount paid by the individual for
50 the drug testing. The individual shall be advised that the
51 required drug testing may be avoided if the individual does not
52 apply for TANF benefits. Dependent children under the age of 18
53 are exempt from the drug-testing requirement.

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

56 ~~(c) Require that any teen parent who is not required to~~
57 ~~live with a parent, legal guardian, or other adult caretaker~~
58 ~~relative in accordance with s. 414.095(14) (c) must comply with~~

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59 ~~the drug testing requirement.~~

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

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

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

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

75 (f)~~(h)~~ Inform an individual who tests positive for a
76 controlled substance and is deemed ineligible for TANF benefits
77 that the individual may reapply for those benefits 1 year after
78 the date of the positive drug test unless the individual meets
79 the requirements of paragraph (h) ~~(j)~~. If the individual tests
80 positive again, he or she is ineligible to receive TANF benefits
81 for 3 years after the date of the second positive drug test
82 unless the individual meets the requirements of paragraph (h)
83 ~~(j)~~.

84 (g)~~(i)~~ Provide any individual who tests positive with a
85 list of licensed substance abuse treatment providers available
86 in the area in which he or she resides that meet the
87 requirements of s. 397.401 and are licensed by the department.

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88 Neither the department nor the state is responsible for
89 providing or paying for substance abuse treatment as part of the
90 screening conducted under this section.

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

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