



441768

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2019	.	
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The Committee on Commerce and Tourism (Baxley) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Present subsections (13) through (17) of section 112.0455, Florida Statutes, are redesignated as subsections (14) through (18), respectively, a new subsection (13) is added to that section, and paragraph (b) of subsection (6) and paragraph (a) of present subsection (15) are amended, to read:

112.0455 Drug-Free Workplace Act.-



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11 (6) NOTICE TO EMPLOYEES.—

12 (b) Prior to testing, all employees and job applicants for  
13 employment shall be given a written policy statement from the  
14 employer which contains:

15 1. A general statement of the employer's policy on employee  
16 drug use, which shall identify:

17 a. The types of testing an employee or job applicant may be  
18 required to submit to, including reasonable suspicion or other  
19 basis; and

20 b. The actions the employer may take against an employee or  
21 job applicant on the basis of a positive confirmed drug test  
22 result.

23 2. A statement advising the employee or job applicant of  
24 the existence of this section.

25 3. A general statement concerning confidentiality.

26 4. Procedures for employees and job applicants to  
27 confidentially report the use of prescription or nonprescription  
28 medications both before and after being tested. Additionally,  
29 employees and job applicants shall receive notice of the most  
30 common medications by brand name or common name, as applicable,  
31 as well as by chemical name, which may alter or affect a drug  
32 test. A list of such medications shall be developed by the  
33 Agency for Health Care Administration.

34 5. The consequences of refusing to submit to a drug test.

35 6. Names, addresses, and telephone numbers of employee  
36 assistance programs and local alcohol and drug rehabilitation  
37 programs.

38 7. A statement that an employee or job applicant who  
39 receives a positive confirmed drug test result may contest or



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40 explain the result to the employer within 5 working days after  
41 written notification of the positive test result. If an employee  
42 or job applicant's explanation or challenge is unsatisfactory to  
43 the employer, the person may contest the drug test result as  
44 provided by subsections (15) ~~(14)~~ and (16) ~~(15)~~.

45 8. A statement informing the employee or job applicant of  
46 his or her responsibility to notify the laboratory of any  
47 administrative or civil actions brought pursuant to this  
48 section.

49 9. A list of all drugs for which the employer will test,  
50 described by brand names or common names, as applicable, as well  
51 as by chemical names.

52 10. A statement regarding any applicable collective  
53 bargaining agreement or contract and the right to appeal to the  
54 Public Employees Relations Commission.

55 11. A statement notifying employees and job applicants of  
56 their right to consult the testing laboratory for technical  
57 information regarding prescription and nonprescription  
58 medication.

59 (13) DRUG-TESTING STANDARDS; SAMPLE VALIDITY PRESCREENING.—  
60 Before a drug testing facility licensed under part II of chapter  
61 408 may perform any drug-screening test on a urine specimen  
62 collected in this state, prescreening tests must be performed to  
63 determine the validity of the specimen. The prescreening tests  
64 must be capable of detecting, or detecting and defeating, novel  
65 or emerging urine drug testing subversion technologies as  
66 described in this subsection.

67 (a) The drug-testing facility shall use urine sample  
68 validity screening tests that meet all of the following



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69 criteria:

70 1. A urine sample validity screening test for creatinine  
71 must use a 20 mg/dL cutoff concentration and must have minimal  
72 interferences from bilirubin and blood in the urine. The urine  
73 sample validity screening test must be able to discriminate  
74 between a creatinine level from an unadulterated urine sample  
75 and a creatinine level arising from overhydration or creatine or  
76 protein loading.

77 2. A urine sample validity screening test for oxidants must  
78 be able to detect the presence or effects of oxidant adulterants  
79 up to 6 days after sample collection, under the sample storage  
80 conditions outlined in the laboratory standards guideline  
81 adopted by rule by the Agency for Health Care Administration,  
82 and after any sample transport that is routinely involved.

83 3. Urine sample validity screening tests must be able to  
84 detect synthetic or freeze-dried urine substituted for the  
85 donor's urine for drug testing.

86 4. Urine sample validity screening tests must be validated  
87 for the detection of all of the additional adulterant classes  
88 represented by glutaraldehyde, salt, heavy metals, cationic  
89 detergents, protease, strong alkaline buffers, and strong acidic  
90 buffers. The detection limits of these classes must be at a  
91 sufficient level to detect a nonphysiologic sample or  
92 interference with enzyme immunoassay drug screening tests.

93 (b) The drug-testing facility may only use urine sample  
94 validity screening tests that have undergone validation studies  
95 conducted by the manufacturer to document the product's  
96 conformance to the requirements of this subsection.

97 (c) A drug-testing facility may rely on urine sample



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98 validity screening tests to determine if confirmation testing is  
99 required for any urine sample that has been deemed invalid for  
100 drug screening.

101 (d) Urine specimens collected in this state may not be sent  
102 for drug screening tests to a drug-testing facility located  
103 outside of this state unless such drug testing facility complies  
104 with all requirements of this subsection.

105 (e) The Agency for Health Care Administration shall adopt  
106 rules necessary for the implementation and enforcement of this  
107 subsection.

108 (16) ~~(15)~~ NONDISCIPLINE REMEDIES.—

109 (a) Any person alleging a violation of the provisions of  
110 this section, who ~~that~~ is not remediable by the commission or an  
111 arbitrator pursuant to subsection (15) ~~(14)~~, must institute a  
112 civil action for injunctive relief or damages, or both, in a  
113 court of competent jurisdiction within 180 days of the alleged  
114 violation, or be barred from obtaining the following relief.  
115 Relief is limited to:

116 1. An order restraining the continued violation of this  
117 section.

118 2. An award of the costs of litigation, expert witness  
119 fees, reasonable attorney's fees, and noneconomic damages  
120 provided that damages shall be limited to the recovery of  
121 damages directly resulting from injury or loss caused by each  
122 violation of this section.

123 Section 2. Present subsections (9) through (15) of section  
124 440.102, Florida Statutes, are redesignated as subsections (10)  
125 through (16), respectively, a new subsection (9) is added to  
126 that section, and paragraphs (c), (e), and (q) of subsection



127 (1), paragraph (a) of subsection (3), paragraph (a) of  
128 subsection (4), paragraphs (b) through (h), (j), (k), and (l) of  
129 subsection (5), subsection (6), paragraph (a) of subsection (7),  
130 and paragraphs (b) and (c) of present subsection (9) of that  
131 section are amended, to read:

132 440.102 Drug-free workplace program requirements.—The  
133 following provisions apply to a drug-free workplace program  
134 implemented pursuant to law or to rules adopted by the Agency  
135 for Health Care Administration:

136 (1) DEFINITIONS.—Except where the context otherwise  
137 requires, as used in this act:

138 (c) "Drug" means any form of alcohol, as defined in s.  
139 322.01(2), including a distilled spirit, wine, a malt beverage,  
140 or an intoxicating preparation; any controlled substance  
141 identified under Schedule I, Schedule II, Schedule III, Schedule  
142 IV, or Schedule V of s. 893.03; any controlled substance  
143 identified under Schedule I, Schedule II, Schedule III, Schedule  
144 IV, or Schedule V of the Controlled Substances Act, 21 U.S.C. s.  
145 812(c); ~~liquor; an amphetamine; a cannabinoid; cocaine;~~  
146 ~~phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a~~  
147 ~~barbiturate; a benzodiazepine; a synthetic narcotic; a designer~~  
148 ~~drug;~~ or a metabolite of any of the substances listed in this  
149 paragraph. An employer may test an individual for any or all of  
150 such drugs.

151 (e) "Drug test" or "test" means any chemical, biological,  
152 or physical instrumental analysis administered~~7~~ by a laboratory  
153 certified by the United States Department of Health and Human  
154 Services or licensed by the Agency for Health Care  
155 Administration~~7~~ for the purpose of determining the presence or



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156 absence of a drug or its metabolites. In the case of testing for  
157 the presence of alcohol, the test must be conducted in  
158 accordance with the United States Department of Transportation  
159 alcohol testing procedures authorized under 49 C.F.R. part 40,  
160 subparts J through M.

161 (q) "Specimen" means tissue, hair, or a product of the  
162 human body capable of revealing the presence of drugs or their  
163 metabolites, as approved by the United States Food and Drug  
164 Administration, ~~or~~ the Agency for Health Care Administration,  
165 the United States Department of Health and Human Services, or  
166 the United States Department of Transportation.

167 (3) NOTICE TO EMPLOYEES AND JOB APPLICANTS.—

168 (a) One time only, before ~~prior to~~ testing, an employer  
169 shall give all employees and job applicants for employment a  
170 written policy statement that ~~which~~ contains:

171 1. A general statement of the employer's policy on employee  
172 drug use, which must identify:

173 a. The types of drug testing an employee or job applicant  
174 may be required to submit to, including reasonable-suspicion  
175 drug testing or drug testing conducted on any other basis.

176 b. The actions the employer may take against an employee or  
177 job applicant on the basis of a positive confirmed drug test  
178 result.

179 2. A statement advising the employee or job applicant of  
180 the existence of this section.

181 3. A general statement concerning confidentiality.

182 4. Procedures for employees and job applicants to  
183 confidentially report to a medical review officer the use of  
184 prescription or nonprescription medications ~~to a medical review~~



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185 ~~officer both before and after being tested.~~

186         5. A list of the most common medications, by brand name or  
187 common name, as applicable, as well as by chemical name, which  
188 may alter or affect a drug test. A list of such medications as  
189 developed by the Agency for Health Care Administration shall be  
190 available to employers through the department.

191         6. The consequences of refusing to submit to a drug test.

192         7. A representative sampling of names, addresses, and  
193 telephone numbers of employee assistance programs and local drug  
194 rehabilitation programs.

195         8. A statement that an employee or job applicant who  
196 receives a positive confirmed test result may contest or explain  
197 the result to the medical review officer within 5 working days  
198 after receiving written notification of the test result; that if  
199 an employee's or job applicant's explanation or challenge is  
200 unsatisfactory to the medical review officer, the medical review  
201 officer shall report a positive test result back to the  
202 employer; and that a person may contest the drug test result  
203 pursuant to law or to rules adopted by the Agency for Health  
204 Care Administration.

205         9. A statement informing the employee or job applicant of  
206 his or her responsibility to notify the laboratory of any  
207 administrative or civil action brought pursuant to this section.

208         10. A list of all drugs for which the employer will test,  
209 described by ~~brand name or~~ common name, as applicable, as well  
210 as by chemical name.

211         11. A statement regarding any applicable collective  
212 bargaining agreement or contract and the right to appeal to the  
213 Public Employees Relations Commission or applicable court.





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214           12. A statement notifying employees and job applicants of  
215 their right to consult with a medical review officer for  
216 technical information regarding prescription or nonprescription  
217 medication.

218           (4) TYPES OF TESTING.—

219           (a) An employer is required to conduct the following types  
220 of drug tests:

221           1. Job applicant drug testing.—An employer must require job  
222 applicants to submit to a drug test and may use a refusal to  
223 submit to a drug test or a positive confirmed drug test as a  
224 basis for refusing to hire a job applicant.

225           2. Reasonable-suspicion drug testing.—An employer must  
226 require an employee to submit to reasonable-suspicion drug  
227 testing.

228           3. Routine fitness-for-duty drug testing.—An employer must  
229 require an employee to submit to a drug test if the test is  
230 conducted as part of a routinely scheduled employee fitness-for-  
231 duty medical examination that is part of the employer's  
232 established policy or that is scheduled routinely for all  
233 members of an employment classification or group.

234           4. Followup drug testing.—If the employee in the course of  
235 employment enters an employee assistance program for drug-  
236 related problems, or a drug rehabilitation program, the employer  
237 must require the employee to submit to a drug test as a followup  
238 to such program, unless the employee voluntarily entered the  
239 program. In those cases, the employer has the option to not  
240 require followup testing. If followup testing is required, it  
241 must be conducted at least 6 times in the first year, and may be  
242 conducted twice for 1 additional year ~~once a year for a 2-year~~



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243 ~~period~~ after completion of the program. Advance notice of a  
244 followup testing date must not be given to the employee to be  
245 tested.

246 (5) PROCEDURES AND EMPLOYEE PROTECTION.—All specimen  
247 collection and testing for drugs under this section shall be  
248 performed in accordance with the following procedures:

249 (b) Specimen collection must be documented, and the  
250 documentation procedures shall include the—

251 ~~1.~~ labeling of specimen containers so as to reasonably  
252 preclude the likelihood of erroneous identification of test  
253 results. For saliva or breath alcohol testing, a specimen  
254 container is not required if the specimen is not being  
255 transported to a laboratory for analysis

256 ~~2. A form for the employee or job applicant to provide any~~  
257 ~~information he or she considers relevant to the test, including~~  
258 ~~identification of currently or recently used prescription or~~  
259 ~~nonprescription medication or other relevant medical~~  
260 ~~information. The form must provide notice of the most common~~  
261 ~~medications by brand name or common name, as applicable, as well~~  
262 ~~as by chemical name, which may alter or affect a drug test. The~~  
263 ~~providing of information shall not preclude the administration~~  
264 ~~of the drug test, but shall be taken into account in~~  
265 ~~interpreting any positive confirmed test result.~~

266 (c) Specimen collection, storage, and transportation to a  
267 laboratory ~~the testing site~~ shall be performed in a manner that  
268 reasonably precludes contamination or adulteration of specimens.

269 (d) Each confirmation test conducted under this section,  
270 not including the taking or collecting of a specimen to be  
271 tested, shall be conducted by a licensed or certified laboratory



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272 as described in subsection (10) ~~(9)~~.

273 (e) A specimen for a drug test may be taken or collected by  
274 any person who meets the qualification standards for urine or  
275 oral fluid specimen collection as specified by the United States  
276 Department of Health and Human Services or the United States  
277 Department of Transportation. For alcohol testing, a person must  
278 meet the United States Department of Transportation standards  
279 for a screening test technician or a breath alcohol technician.  
280 A hair specimen may be collected and packaged by a person who  
281 has been trained and certified by a drug-testing laboratory. A  
282 person who directly supervises an employee subject to testing  
283 may not serve as the specimen collector for that employee unless  
284 there is no other qualified specimen collector available of the  
285 following persons:

286 1. ~~A physician, a physician assistant, a registered~~  
287 ~~professional nurse, a licensed practical nurse, or a nurse~~  
288 ~~practitioner or a certified paramedic who is present at the~~  
289 ~~scene of an accident for the purpose of rendering emergency~~  
290 ~~medical service or treatment.~~

291 2. ~~A qualified person employed by a licensed or certified~~  
292 ~~laboratory as described in subsection (9).~~

293 (f) A person who collects or takes a specimen for a drug  
294 test shall collect an amount sufficient for two independent drug  
295 tests, one to screen the specimen and one for confirmation of  
296 the screening test results, at a laboratory as determined by the  
297 Agency for Health Care Administration.

298 (g) Every specimen that produces a positive, confirmed test  
299 result shall be preserved by the licensed or certified  
300 laboratory that conducted the confirmation test for a period of



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301 at least 1 year after the confirmation test was conducted ~~210~~  
302 ~~days after the result of the test was mailed or otherwise~~  
303 ~~delivered to the medical review officer.~~ However, if an employee  
304 or job applicant undertakes an administrative or legal challenge  
305 to the test result, the employee or job applicant shall notify  
306 the laboratory and the sample shall be retained by the  
307 laboratory until the case or administrative appeal is settled.  
308 During the 60-day ~~180-day~~ period after written notification of a  
309 positive test result, the employee or job applicant who has  
310 provided the specimen shall be permitted by the employer to have  
311 a portion of the specimen retested, at the employee's or job  
312 applicant's expense, at another laboratory, licensed and  
313 approved by the Agency for Health Care Administration, chosen by  
314 the employee or job applicant. The second laboratory must test  
315 the specimen at the limit of detection for the drug or analyte  
316 confirmed by the original ~~at equal or greater sensitivity for~~  
317 ~~the drug in question as the first~~ laboratory. If the drug or  
318 analyte is detected by the second laboratory, the result shall  
319 be reported as reconfirmed positive. The first laboratory that  
320 performed the test for the employer is responsible for the  
321 transfer of the portion of the specimen to be retested, and for  
322 the integrity of the chain of custody during such transfer.

323 (h) Within 5 working days after receipt of a positive  
324 verified ~~confirmed~~ test result from the medical review officer,  
325 an employer shall inform an employee or job applicant in writing  
326 of such positive test result, the consequences of such results,  
327 and the options available to the employee or job applicant. The  
328 employer shall provide to the employee or job applicant, upon  
329 request, a copy of the test results.



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330           ~~(j) The employee's or job applicant's explanation or~~  
331 ~~challenge of the positive test result is unsatisfactory to the~~  
332 ~~employer, a written explanation as to why the employee's or job~~  
333 ~~applicant's explanation is unsatisfactory, along with the report~~  
334 ~~of positive result, shall be provided by the employer to the~~  
335 ~~employee or job applicant; and All such documentation of a~~  
336 positive test shall be kept confidential by the employer  
337 pursuant to subsection (8) and shall be retained by the employer  
338 for at least 1 year.

339           (k) An employer may not discharge, discipline, refuse to  
340 hire, discriminate against, or request or require rehabilitation  
341 of an employee or job applicant on the sole basis of a positive  
342 test result that has not been reviewed and verified by a  
343 ~~confirmation test and by~~ a medical review officer, except when a  
344 confirmed positive breath alcohol test was conducted in  
345 accordance with United States Department of Transportation  
346 alcohol testing procedures.

347           (l) An employer that performs drug testing or specimen  
348 collection shall use chain-of-custody procedures established by  
349 the Agency for Health Care Administration, the United States  
350 Department of Health and Human Services, or the United States  
351 Department of Transportation to ensure proper recordkeeping,  
352 handling, labeling, and identification of all specimens tested.

353           (6) CONFIRMATION TESTING.—

354           ~~(a) If an initial drug test is negative, the employer may~~  
355 ~~in its sole discretion seek a confirmation test.~~

356           ~~(b) Only licensed or certified laboratories as described in~~  
357 ~~subsection (9) may conduct confirmation drug tests.~~

358           ~~(c) All laboratory positive initial tests on a urine, oral~~



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359 fluid, blood, or hair specimen shall be confirmed using gas  
360 chromatography/mass spectrometry (GC/MS) or an equivalent or  
361 more accurate scientifically accepted method approved by the  
362 United States Department of Health and Human Services or the  
363 United States Department of Transportation Agency for Health  
364 Care Administration or the United States Food and Drug  
365 Administration as such technology becomes available in a cost-  
366 effective form.

367 (b)(d) If a ~~an~~ initial drug test of an employee or job  
368 applicant is confirmed by the laboratory as positive, the  
369 employer's medical review officer shall provide technical  
370 assistance to the employer and to the employee or job applicant  
371 for the purpose of interpreting the test result to determine  
372 whether the result could have been caused by prescription or  
373 nonprescription medication taken by the employee or job  
374 applicant.

375 (c) For a breath alcohol test, an initial positive result  
376 shall be confirmed by a second breath specimen taken and tested  
377 using an evidential breath testing device listed on the  
378 conforming products list issued by the National Highway Traffic  
379 Safety Administration and conducted in accordance with United  
380 States Department of Transportation alcohol testing procedures  
381 authorized under 49 C.F.R. part 40, subparts J through M.

382 (7) EMPLOYER PROTECTION.—

383 (a) An employee or job applicant whose drug test result is  
384 confirmed or verified as positive in accordance with this  
385 section shall not, by virtue of the result alone, be deemed to  
386 have a "handicap" or "disability" as defined under federal,  
387 state, or local handicap and disability discrimination laws.



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388 (9) DRUG-TESTING STANDARDS; SAMPLE VALIDITY PRESCREENING.-

389 Before a drug-testing facility licensed under part II of chapter  
390 408 may perform any drug screening test on a urine specimen  
391 collected in this state, prescreening tests must be performed to  
392 determine the validity of the specimen. The prescreening tests  
393 must be capable of detecting, or detecting and defeating, novel  
394 or emerging urine drug-testing subversion technologies as  
395 described in this subsection.

396 (a) The drug-testing facility shall use urine sample  
397 validity screening tests that meet all of the following  
398 criteria:

399 1. A urine sample validity screening test for creatinine  
400 must use a 20 mg/dL cutoff concentration and must have minimal  
401 interferences from bilirubin and blood in the urine. The urine  
402 sample validity screening test must be able to discriminate  
403 between a creatinine level from an unadulterated urine sample  
404 and a creatinine level arising from overhydration or creatine or  
405 protein loading.

406 2. A urine sample validity screening test for oxidants must  
407 be able to detect the presence or effects of oxidant adulterants  
408 up to 6 days after sample collection, under the sample storage  
409 conditions outlined in the laboratory standards guideline  
410 adopted by rule by the Agency for Health Care Administration,  
411 and after any sample transport that is routinely involved.

412 3. Urine sample validity screening tests must be able to  
413 detect synthetic or freeze-dried urine substituted for the  
414 donor's urine for drug testing.

415 4. Urine sample validity screening tests must be validated  
416 for the detection of all of the additional adulterant classes



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417 represented by glutaraldehyde, salt, heavy metals, cationic  
418 detergents, protease, strong alkaline buffers, and strong acidic  
419 buffers. The detection limits of these classes must be at a  
420 sufficient level to detect a nonphysiologic sample or  
421 interference with enzyme immunoassay drug-screening tests.

422 (b) The drug-testing facility may only use urine sample  
423 validity screening tests that have undergone validation studies  
424 conducted by the manufacturer to document the product's  
425 conformance to the requirements of this subsection.

426 (c) A drug-testing facility may rely on urine sample  
427 validity screening tests to determine if confirmation testing is  
428 required for any urine sample that has been deemed invalid for  
429 drug screening.

430 (d) Urine specimens collected in this state may not be sent  
431 for drug-screening tests to a drug-testing facility located  
432 outside of this state unless such drug testing facility complies  
433 with all requirements of this subsection.

434 (e) The Agency for Health Care Administration shall adopt  
435 rules necessary for the implementation and enforcement of this  
436 subsection.

437 (10)(9) DRUG-TESTING STANDARDS FOR LABORATORIES.-

438 (b) A laboratory may analyze initial or confirmation test  
439 specimens only if:

440 1. The laboratory obtains a license under part II of  
441 chapter 408 and s. 112.0455(18) ~~s. 112.0455(17)~~. Each applicant  
442 for licensure and each licensee must comply with all  
443 requirements of this section, part II of chapter 408, and  
444 applicable rules.

445 2. The laboratory has written procedures to ensure the





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446 chain of custody.

447 3. The laboratory follows proper quality control  
448 procedures, including, but not limited to:

449 a. The use of internal quality controls, including the use  
450 of samples of known concentrations which are used to check the  
451 performance and calibration of testing equipment, and periodic  
452 use of blind samples for overall accuracy.

453 b. An internal review and certification process for drug  
454 test results, conducted by a person qualified to perform that  
455 function in the testing laboratory.

456 c. Security measures implemented by the testing laboratory  
457 to preclude adulteration of specimens and drug test results.

458 d. Other necessary and proper actions taken to ensure  
459 reliable and accurate drug test results.

460 (c) A laboratory shall disclose to the medical review  
461 officer a written positive confirmed test result report within 7  
462 working days after receipt of the sample. All laboratory reports  
463 of a drug test result must, at a minimum, state:

464 1. The name and address of the laboratory that performed  
465 the test and the positive identification of the person tested.

466 2. Positive results on confirmation tests only, or negative  
467 results, as applicable.

468 3. A list of the drugs for which the drug analyses were  
469 conducted.

470 4. The type of tests conducted for both initial tests and  
471 confirmation tests and the minimum cutoff levels of the tests.

472 ~~5. Any correlation between medication reported by the~~  
473 ~~employee or job applicant pursuant to subparagraph (5)(b)2. and~~  
474 ~~a positive confirmed drug test result.~~



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475  
476 A report must not disclose the presence or absence of any drug  
477 other than a specific drug and its metabolites listed pursuant  
478 to this section.

479 Section 3. Paragraph (b) of subsection (11) of section  
480 443.101, Florida Statutes, is amended to read:

481 443.101 Disqualification for benefits.—An individual shall  
482 be disqualified for benefits:

483 (11) If an individual is discharged from employment for  
484 drug use as evidenced by a positive, confirmed drug test as  
485 provided in paragraph (1)(d), or is rejected for offered  
486 employment because of a positive, confirmed drug test as  
487 provided in paragraph (2)(c), test results and chain of custody  
488 documentation provided to the employer by a licensed and  
489 approved drug-testing laboratory is self-authenticating and  
490 admissible in reemployment assistance hearings, and such  
491 evidence creates a rebuttable presumption that the individual  
492 used, or was using, controlled substances, subject to the  
493 following conditions:

494 (b) Only laboratories licensed and approved as provided in  
495 s. 440.102(10) ~~s. 440.102(9)~~, or as provided by equivalent or  
496 more stringent licensing requirements established by federal law  
497 or regulation may perform the drug tests.

498 Section 4. This act shall take effect July 1, 2019.

499  
500 ===== T I T L E A M E N D M E N T =====

501 And the title is amended as follows:

502 Delete everything before the enacting clause  
503 and insert:



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504                                   A bill to be entitled  
505           An act relating to drug-free workplaces; amending s.  
506           112.0455, F.S.; requiring licensed drug-testing  
507           facilities to perform prescreening tests on urine  
508           specimens to determine their validity; specifying  
509           requirements for such prescreening tests; requiring  
510           such facilities to only use certain screening tests;  
511           authorizing such facilities to rely on the screening  
512           tests to determine if certain confirmation testing is  
513           required; providing that urine specimens may not be  
514           sent to an out-of-state facility unless the facility  
515           complies with certain requirements; authorizing the  
516           Agency for Health Care Administration to adopt rules;  
517           conforming cross-references; amending s. 440.102,  
518           F.S.; revising definitions; revising required  
519           information in a written policy statement provided to  
520           employees and job applicants before drug testing;  
521           revising the frequency of required followup drug  
522           testing; revising procedures for specimen collection,  
523           testing, and preservation; revising persons who may  
524           take or collect specimens for a drug test; revising  
525           requirements and procedures for retesting specimens;  
526           deleting and revising confidentiality requirements for  
527           employers relating to certain information; revising  
528           circumstances under which an employer may take certain  
529           actions relating to an employee or job applicant on  
530           the sole basis of certain positive test results;  
531           revising standards for chain-of-custody procedures;  
532           revising requirements and authorized actions relating



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533 to confirmation testing; requiring licensed drug-  
534 testing facilities to perform prescreening tests on  
535 urine specimens to determine their validity;  
536 specifying requirements for such prescreening tests;  
537 requiring such facilities to only use certain  
538 screening tests; authorizing such facilities to rely  
539 on the screening tests to determine if certain  
540 confirmation testing is required; providing that urine  
541 specimens may not be sent to an out-of-state facility  
542 unless the facility complies with certain  
543 requirements; authorizing the agency to adopt rules;  
544 conforming provisions to changes made by the act;  
545 conforming cross-references; amending s. 443.101,  
546 F.S.; conforming a cross-reference; providing an  
547 effective date.

548  
549 WHEREAS, the State of Florida has a profound interest in  
550 the health and welfare of its citizens, and

551 WHEREAS, new and emerging drug-testing subversion  
552 technologies represent a significant threat to the ability to  
553 properly identify those suffering from addiction and drug abuse,  
554 and

555 WHEREAS, the Legislature, therefore, seeks to require urine  
556 sample validity testing, such that those being tested can be  
557 properly and promptly identified for referral to drug treatment  
558 programs and other health care services, NOW, THEREFORE,