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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/22/2011	.	
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The Committee on Criminal Justice (Dockery) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 414.145, Florida Statutes, is created to read:

414.145 Drug-screening program.-

(1) The Department of Children and Family Services, shall require a drug test consistent with s. 112.0455 to screen each individual that applies for Temporary Assistance to Needy Families (TANF) or Supplemental Nutrition Assistance Program (SNAP). The cost of drug testing shall be the responsibility of



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13 the individual.

14 (a) Individuals subject to the requirements of this section
15 include any parent or caretaker relative who is included in the
16 cash assistance group, including individuals who may be exempt
17 from work activity requirements due to the age of the youngest
18 child or who may be excepted from work activity requirements
19 under s. 414.065(4).

20 (b) Individuals who test positive for controlled substances
21 as a result of a drug test required under this law will be
22 ineligible to receive TANF or SNAP benefits for one year.

23 (2) Procedures for the Department of Children and Family
24 Services shall:

25 (a) Provide notice of drug testing to each individual at
26 the time of application. The notice must advise the individual
27 that drug testing will be conducted as a condition for receiving
28 TANF or SNAP benefits, and that the individual must bear the
29 cost of testing. The individual shall be advised that the
30 required drug testing may be avoided if the individual does not
31 apply for TANF or SNAP benefits. Children under the age of 18
32 shall be exempt from the drug-testing requirement.

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

35 (c) Advise each person to be tested, before the test is
36 conducted, that he or she may, but is not required to, advise
37 the agent administering the test of any prescription or over-
38 the-counter medication he or she is taking.

39 (d) Require each person to be tested to sign a written
40 acknowledgment that he or she has received and understood the
41 notice and advice provided under paragraphs (a) and (c).



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42 (e) Assure each person being tested a reasonable degree of
43 dignity while producing and submitting a sample for drug
44 testing, consistent with the state's need to ensure the
45 reliability of the sample.

46 (f) Specify circumstances under which a person who fails a
47 drug test has the right to take one or more additional tests.

48 (g) Individuals who test positive for controlled substances
49 and are deemed ineligible for TANF or SNAP benefits may re-apply
50 for those benefits one year after the date of the positive drug
51 test. If the individual tests positive again, he or she shall be
52 ineligible to receive TANF or SNAP benefits for three years from
53 the date of the second positive drug test.

54 (h) Provide any individual who tests positive with
55 information concerning substance abuse treatment programs that
56 may be available in the area in which he or she resides. Neither
57 the department nor the state is responsible for providing or
58 paying for substance abuse treatment as part of the screening
59 conducted under this section.

60 (3) Benefits relating to children:

61 (a) If a parent is deemed ineligible for TANF or SNAP
62 benefits due to the failure of a drug test under this act, his
63 or her dependent child's eligibility for TANF or SNAP benefits
64 is not affected.

65 (b) If a parent is deemed ineligible for TANF or SNAP
66 benefits due to the failure of a drug test, an appropriate
67 protective payee will be established for the benefit of the
68 child.

69 (c) The parent may choose to designate another individual
70 to receive benefits for the parent's minor child. The designated



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71 individual must be an immediate family member or, if an
72 immediate family member is not available or the family member
73 declines the option, another individual, approved by the
74 department, may be designated. The designated individual must
75 also undergo drug testing before being approved to receive
76 benefits on behalf of the child. If the designated individual
77 tests positive for controlled substances, he or she will be
78 deemed ineligible to receive benefits on behalf of the child.

79 (4) The Department of Children and Families shall adopt
80 rules as necessary to implement this law.

81 Section 2. This act shall take effect on July 1, 2011.

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84 ===== T I T L E A M E N D M E N T =====

85 And the title is amended as follows:

86 Delete everything before the enacting clause
87 and insert:

88 A bill to be entitled
89 An act relating Temporary Assistance to Needy
90 Families; creates s. 414.145 F.S.; requiring the
91 Department of Children and Families to perform a drug
92 test on individuals who apply for Temporary Assistance
93 for Needy Families or Supplemental Nutrition
94 Assistance Program benefits; makes individuals
95 responsible for bearing the cost of drug testing;
96 requiring certain notice; providing procedures for
97 testing, and retesting; providing for notice of local
98 substance abuse programs; providing that, if a parent
99 is deemed ineligible due to a failure of a drug test,



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the eligibility of the children will not be affected;
providing an effective date.