

1 A bill to be entitled
 2 An act relating to drug screening of potential and
 3 existing beneficiaries of Temporary Assistance for Needy
 4 Families; creating s. 414.0652, F.S.; requiring the
 5 Department of Children and Family Services to perform a
 6 drug test on an applicant for Temporary Assistance for
 7 Needy Families benefits; requiring such individual to bear
 8 the cost of the drug test; requiring the department to
 9 provide, and the applicant to acknowledge receipt of,
 10 notice of the drug-screening policy; providing procedures
 11 for testing and retesting; requiring the department to
 12 provide information concerning local substance abuse
 13 treatment programs to an individual who tests positive;
 14 providing that, if a parent is ineligible as a result of
 15 failing a drug test, the eligibility of the children is
 16 not affected; providing conditions for designating another
 17 protective payee; providing rulemaking authority to the
 18 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 414.0652, Florida Statutes, is created
 23 to read:

24 414.0652 Drug screening for applicants for Temporary
 25 Assistance for Needy Families.—

26 (1) The department shall require a drug test consistent
 27 with s. 112.0455 to screen each individual who applies for
 28 Temporary Assistance for Needy Families (TANF). The cost of drug

29 testing is the responsibility of the individual tested.

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

36 (b) An individual who tests positive for controlled
37 substances as a result of a drug test required under this
38 section is ineligible to receive TANF benefits for 1 year after
39 the date of the positive drug test.

40 (2) The department shall:

41 (a) Provide notice of drug testing to each individual at
42 the time of application. The notice must advise the individual
43 that drug testing will be conducted as a condition for receiving
44 TANF benefits and that the individual must bear the cost of
45 testing. The individual shall be advised that the required drug
46 testing may be avoided if the individual does not apply for TANF
47 benefits. Children under the age of 18 are exempt from the drug-
48 testing requirement.

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

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

55 (d) Require each individual to be tested to sign a written
56 acknowledgment that he or she has received and understood the

57 notice and advice provided under paragraphs (a) and (c).

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

65 (g) Inform an individual who tests positive for a
66 controlled substance and is deemed ineligible for TANF benefits
67 that the individual may reapply for those benefits 1 year after
68 the date of the positive drug test. If the individual tests
69 positive again, he or she is ineligible to receive TANF benefits
70 for 3 years after the date of the second positive drug test.

71 (h) Provide any individual who tests positive with
72 information concerning substance abuse treatment programs that
73 may be available in the area in which he or she resides. Neither
74 the department nor the state is responsible for providing or
75 paying for substance abuse treatment as part of the screening
76 conducted under this section.

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

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

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

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

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85 individual must be an immediate family member or, if an
86 immediate family member is not available or the family member
87 declines the option, another individual, approved by the
88 department, may be designated. The designated individual must
89 also undergo drug testing before being approved to receive
90 benefits on behalf of the child. If the designated individual
91 tests positive for controlled substances, he or she is
92 ineligible to receive benefits on behalf of the child.

93 (4) The department shall adopt rules to implement this
94 section.

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