

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 conditions for an individual to reapply for
 15 Temporary Assistance for Needy Families benefits;
 16 providing that, if a parent is ineligible as a result of
 17 failing a drug test, the eligibility of the children is
 18 not affected; providing conditions for designating another
 19 protective payee; providing rulemaking authority to the
 20 department; providing an effective date.

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

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 24 Section 1. Section 414.0652, Florida Statutes, is created
 25 to read:

26 414.0652 Drug screening for applicants for Temporary
 27 Assistance for Needy Families.—

28 (1) The department shall require a drug test consistent

29 with s. 112.0455 to screen each individual who applies for
30 Temporary Assistance for Needy Families (TANF). The cost of drug
31 testing is the responsibility of the individual tested.

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

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

43 (2) The department shall:

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

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

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

57 the drug-testing requirement.

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

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

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

69 (g) Specify circumstances under which an individual who
70 fails a drug test has the right to take one or more additional
71 tests.

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

80 (i) Provide any individual who tests positive with a list
81 of licensed substance abuse treatment providers available in the
82 area in which he or she resides that meet the requirements of s.
83 397.401 and are licensed by the department. Neither the
84 department nor the state is responsible for providing or paying

85 for substance abuse treatment as part of the screening conducted
86 under this section.

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

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

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

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

109 (c) The parent may choose to designate another individual
110 to receive benefits for the parent's minor child. The designated
111 individual must be an immediate family member or, if an
112 immediate family member is not available or the family member

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113 declines the option, another individual, approved by the
114 department, may be designated. The designated individual must
115 also undergo drug testing before being approved to receive
116 benefits on behalf of the child. If the designated individual
117 tests positive for controlled substances, he or she is
118 ineligible to receive benefits on behalf of the child.

119 (4) The department shall adopt rules to implement this
120 section.

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