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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/03/2012	.	
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The Committee on Budget (Hays) recommended the following:

**Senate Amendment**

In title, delete lines 2 - 65  
and insert:

An act relating to drug-free workplaces; amending s. 112.0455, F.S.; revising the definition of the term "job applicant," defining the term "random testing," and removing the definition of the term "safety-sensitive position" for purposes of the Drug-Free Workplace Act; requiring drug testing to be conducted within each state agency's appropriation; authorizing a state agency to conduct random drug testing every 3



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14 months; providing testing selection requirements;  
15 removing provisions prohibiting a state agency from  
16 discharging or disciplining an employee under certain  
17 circumstances based on the employee's first positive  
18 confirmed drug test; removing provisions limiting the  
19 circumstances under which an agency may discharge an  
20 employee in a special risk or safety-sensitive  
21 position; providing that an agency may discharge or  
22 discipline an employee following a first-time positive  
23 confirmed drug test result; authorizing an agency to  
24 refer an employee to an employee assistance program or  
25 an alcohol and drug rehabilitation program if the  
26 employee is not discharged; requiring participation in  
27 an employee assistance program or an alcohol and drug  
28 rehabilitation program at the employee's own expense  
29 or at the expense of a health insurance plan;  
30 requiring the employer to determine if the employee is  
31 able to safely and effectively perform the job duties  
32 assigned to the employee while the employee is  
33 participating in the employee assistance program or  
34 alcohol and drug rehabilitation program; deeming that  
35 certain specified job activities cannot be performed  
36 safely and effectively while the employee is  
37 participating in the employee assistance program or  
38 alcohol and drug rehabilitation program; requiring the  
39 employer to transfer the employee to a job assignment  
40 that he or she can perform safely and effectively  
41 while the employee participates in the employee  
42 assistance program or alcohol and drug rehabilitation



43 program; requiring the employer to place the employee  
44 on leave status while the employee is participating in  
45 an employee assistance program or an alcohol and drug  
46 rehabilitation program if such a position is  
47 unavailable; authorizing the employee to use  
48 accumulated leave credits before being placed on leave  
49 without pay; amending s. 440.102, F.S.; revising the  
50 definition of the term "job applicant" as it pertains  
51 to a public employer; removing the definition of the  
52 term "safety-sensitive position" and replacing it with  
53 the definition for the term "mandatory-testing  
54 position;" providing that an employer remains  
55 qualified for an insurer rate plan that discounts  
56 rates for workers' compensation and employer's  
57 liability insurance policies if the employer maintains  
58 a drug-free workplace program that is broader in scope  
59 than that provided for by the standards and procedures  
60 established in the act; authorizing a public employer,  
61 using an unbiased selection procedure, to conduct  
62 random drug tests of employees occupying mandatory-  
63 testing or special-risk positions if the testing is  
64 performed in accordance with drug-testing rules  
65 adopted by the Agency for Health Care Administration;  
66 requiring that a public sector employer assign a  
67 public sector employee to a position other than a  
68 mandatory-testing position if the employee enters an  
69 employee assistance program or drug and alcohol  
70 rehabilitation program; amending s. 944.474, F.S.;  
71 revising