

By Senator Cowin

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A bill to be entitled  
An act relating to random drug testing;  
creating s. 402.355, F.S.; providing authority  
for the Department of Children and Family  
Services to issue random drug testing for  
certain classes of employees; providing an  
effective date.

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

Section 1. Section 402.355, Florida Statutes, is  
created to read:

402.355 Drug testing employees.--

(1) It is the intent of the Legislature that the  
Department of Children and Family Services provide a drug-free  
workplace in accordance with s. 112.0455 for both clients and  
employees.

(2) Persons whose duties include providing care to  
children, the developmentally disabled, disabled adults, and  
elderly persons for 15 hours or more per week, together with  
those who supervise those persons, and all employees of the  
central abuse hotline are deemed to be in safety-sensitive  
positions as defined in s. 112.0455.

(3) The department shall require all job applicants,  
employees, and volunteers whose duties are or would be as  
described in subsection (2) to be tested for drugs pursuant to  
the procedures and requirements of s. 112.0455, the Drug-Free  
Workplace Act.

(4) In order to ensure the safety of clients and  
employees of the department and notwithstanding the notice,  
reasonable suspicion, and cause provisions in s. 112.0455, the

1 department may develop a program for random drug testing, and  
2 randomly test persons as specified in subsection (2) and those  
3 persons who require certification under chapter 633 or chapter  
4 943. These random tests are in addition to any other tests  
5 that are permitted under s. 112.0455. All other procedural  
6 safeguards, appellate rights, and provisions of s. 112.0455  
7 apply.

8 (4) The department may adopt rules, policies, and  
9 procedures necessary to administer this section.

10 Section 2. This act shall take effect upon becoming a  
11 law.

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14 SENATE SUMMARY

15 Authorizes the Department of Children and Family Services  
16 to provide random drug testing for certain employees in  
17 accordance with the Drug-Free Workplace Act.  
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