Amendment No. ___ (for drafter's use only)

CHAMBER ACTION

Senate                                          House

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5                                        ORIGINAL STAMP BELOW

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11 The Committee on Governmental Operations offered the

12 following:

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14     **Amendment (with title amendment)**

15     On page 9, line 1, through page 10, line 27,

16 remove from the bill:  all of said lines,

17

18 and insert in lieu thereof:  For a public employer, "job

19 applicant" includes, but is not limited to,~~means only~~ a

20 person who has applied for a special-risk or safety-sensitive

21 position.

22     (m)  "Licensed laboratory" means a drug-free workplace

23 laboratory licensed by the Agency for Health Care

24 Administration pursuant to this section.

25     (n)~~(k)~~ "Medical review officer" or "MRO" means a

26 licensed physician, employed with or contracted with an

27 employer, who is certified in the law and methodology of drug

28 testing;who has knowledge of substance abuse disorders,

29 laboratory testing procedures, and chain of custody collection

30 procedures; who verifies positive, confirmed test results; and

31 who has the necessary medical training to interpret and

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1  evaluate an employee's positive test result in relation to the
2  employee's medical history or any other relevant biomedical
3  information.
4       (o)(l) "Prescription or nonprescription medication"
5  means a drug or medication obtained pursuant to a prescription
6  as defined by s. 893.02 or a medication that is authorized
7  pursuant to federal or state law for general distribution and
8  use without a prescription in the treatment of human diseases,
9  ailments, or injuries.
10      (p)(m) "Public employer" means any agency within
11  state, county, or municipal government that employs
12  individuals for a salary, wages, or other remuneration.
13      (q)(n) "Reasonable-suspicion drug testing" means drug
14  testing based on a belief that an employee is using or has
15  used drugs in violation of the employer's policy drawn from
16  specific objective and articulable facts and reasonable
17  inferences drawn from those facts in light of experience.
18  ~~Among other things,~~Such facts and inferences may be based
19  upon, but are not limited to:
20       1.  Observable phenomena while at work, such as direct
21  observation of drug use or of the physical symptoms or
22  manifestations of being under the influence of a drug.
23       2.  Abnormal conduct or erratic behavior while at work
24  or a significant deterioration in work performance.
25       3.  A report of drug use, provided by a reliable and
26  credible source.
27       4.  Evidence that an individual has tampered with a
28  drug test during his or her employment with the current
29  employer.
30       5.  Information that an employee has caused,
31  contributed to, or been involved in an accident while at work.

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| 1 |      6.  Evidence that an employee has used, possessed, |
| 2 | sold, solicited, or transferred drugs while working or while |
| 3 | on the employer's premises or while operating the employer's |
| 4 | vehicle, machinery, or equipment. |
| 5 |     <u>(r)</u><s>(o)</s> "Safety-sensitive position" means<s>, with respect</s> |
| 6 | <s>to a public employer,</s>a position in which a drug impairment |
| 7 | constitutes an immediate and direct threat to public health or |
| 8 | safety, such as a position that requires the employee to carry |
| 9 | a firearm, perform life-threatening procedures, work with |
| 10 | confidential information or documents pertaining to criminal |
| 11 | investigations, or work with controlled substances; <u>a position</u> |
| 12 | <u>in which a drug impairment constitutes an immediate and direct</u> |
| 13 | <u>threat to the employee's health or safety; a position in the</u> |
| 14 | <u>Family Safety and Preservation Program of the Department of</u> |
| 15 | <u>Children and Family Services in which</u> |
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