SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 868

SPONSOR: Senator King

SUBJECT: Drug-free workplaces

DATE: February 18, 2000   REVISED: _____ _____ _____ _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Robinson Pierce	Maclure	CM	Favorable
2.			GO	
3.				
4.				
5.				

I.   Summary:

The bill requires construction contractors, as defined in parts I and II of chapter 489, Florida Statutes, having more than three employees performing construction work under a state contract in excess of $10,000 to implement a drug-free workplace program under the Workers' Compensation Law. The bill applies to construction contracts let under chapters 235, 255, or 944, which relate to educational facilities, public property and publicly owned buildings, and state correctional system facilities, respectively.

The bill substantially amends section 440.102, Florida Statutes.

II.   Present Situation:

There are two drug-free workplace programs codified in the Florida Statutes. Section 112.0455, F.S., contains the Drug-Free Workplace Act and applies only to agencies within state government. The act is permissive and seeks to protect public employees and employers. Section 440.102, F.S., is likewise permissive. It allows employers to implement a drug-free workplace program under Florida's Workers' Compensation Law. If an employer implements a drug-free workplace program under s. 440.102, F.S., and is determined by his or her insurance carrier to meet the statutory requirements, the Department of Insurance requires the carrier to give the employer a five percent discount on the employer's workers' compensation insurance premium. *See*, s. 627.0915, F.S., and Press Release from Department of Insurance (December 6, 1991) (workers' compensation rate reduction for drug-free workplaces) (on file with the Senate Comm. & Econ. Opp. Cmte.).

To implement a drug-free workplace program that complies with s. 440.102, F.S, an employer must meet certain notice, education, and procedural requirements. Some components relating to these requirements include, but are not limited to: