Florida Senate - 2006

By the Committee on Criminal Justice; and Senator Wise

591-1896-06

1	A bill to be entitled
2	An act relating to drug testing within the
3	Department of Corrections; amending s. 944.474,
4	F.S.; authorizing the department to develop a
5	program for testing employees who are in
6	safety-sensitive and high-risk positions for
7	certain controlled substances based upon a
8	reasonable suspicion; providing for the
9	reasonable suspicion to include violent acts or
10	behavior of an employee while on or off duty;
11	requiring that the department adopt rules;
12	providing an effective date.
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14	Be It Enacted by the Legislature of the State of Florida:
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16	Section 1. Subsection (2) of section 944.474, Florida
17	Statutes, is amended to read:
18	944.474 Legislative intent; employee wellness program;
19	drug and alcohol testing
20	(2) Under no circumstances shall employees of the
21	department test positive for illegal use of controlled
22	substances. An employee of the department may not be under the
23	influence of alcohol while on duty. In order to ensure that
24	these prohibitions are adhered to by all employees of the
25	department and notwithstanding s. 112.0455, the department may
26	develop a program for the random drug testing of all
27	employees. The department may randomly evaluate employees for
28	the contemporaneous use or influence of alcohol through the
29	use of alcohol tests and observation methods. <u>Notwithstanding</u>
30	<u>s. 112.0455, the department may develop a program for the</u>
31	reasonable-suspicion drug testing of employees who are in
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CODING: Words stricken are deletions; words <u>underlined</u> are additions.

1	safety-sensitive and high-risk positions for the controlled
2	substances listed in s. 893.03(3)(d). The reasonable-suspicion
3	drug testing authorized by this subsection shall be conducted
4	in a manner that is consistent with s. 112.0455, but may also
5	include testing upon reasonable suspicion based on violent
6	acts or violent behavior of an employee who is on or off duty.
7	The department shall adopt rules pursuant to ss. 120.536(1)
8	and 120.54 which are necessary to administer this subsection.
9	Section 2. This act shall take effect July 1, 2006.
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11	COMMITTEE SUBSTITUTE FOR
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14	Provides that the Department of Corrections may develop a program for the reasonable-suspicion drug testing of employees
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16	with s. 112.0455, F.S., but may also be based on violent acts or violent behavior when an employee is on or off duty.
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