

By the Committee on Criminal Justice; and Senators Oelrich,
Dockery, and Garcia

591-02842-11

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1 A bill to be entitled

2 An act relating the Temporary Assistance for Needy
3 Families Program; creating s. 414.145, F.S.; requiring
4 the Department of Children and Family Services to
5 perform a drug test on individuals who apply for
6 benefits funded by the Temporary Assistance for Needy
7 Families Program; making individuals responsible for
8 bearing the cost of drug testing; requiring certain
9 notice; providing procedures for testing and
10 retesting; providing for notice of local substance
11 abuse programs; providing that, if a parent is deemed
12 ineligible due to failing a drug test, the eligibility
13 of the children is not affected; providing an
14 effective date.

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

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18 Section 1. Section 414.145, Florida Statutes, is created to
19 read:

20 414.145 Drug-screening program.-

21 (1) The Department of Children and Family Services shall
22 require a drug test consistent with s. 112.0455 to screen each
23 individual who applies for temporary assistance for needy
24 families (TANF). The cost of drug testing shall be the
25 responsibility of the individual.

26 (a) Individuals who are subject to the requirements of this
27 section include any parent or caretaker relative who is included
28 in the cash assistance group, including individuals who may be
29 exempt from work activity requirements due to the age of the

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30 youngest child or who may be excepted from work activity
31 requirements under s. 414.065(4).

32 (b) Individuals who test positive for controlled substances
33 as a result of a drug test required under this section are
34 ineligible to receive TANF benefits for 1 year.

35 (2) The Department of Children and Family Services shall:

36 (a) Provide notice of drug testing to each individual at
37 the time of application. The notice must advise the individual
38 that drug testing will be conducted as a condition for receiving
39 TANF benefits, and that the individual must bear the cost of
40 testing. The individual shall be advised that the required drug
41 testing may be avoided if the individual does not apply for TANF
42 benefits. Children under the age of 18 are exempt from the drug-
43 testing requirement.

44 (b) Require that, for two-parent families, both parents
45 comply with the drug-testing requirement.

46 (c) Advise each individual to be tested, before the test is
47 conducted, that he or she may, but is not required to, advise
48 the agent administering the test of any prescription or over-
49 the-counter medication he or she is taking.

50 (d) Require each individual to be tested to sign a written
51 acknowledgment that he or she has received and understood the
52 notice and advice provided under paragraphs (a) and (c).

53 (e) Ensure each individual being tested a reasonable degree
54 of dignity while producing and submitting a sample for drug
55 testing, consistent with the state's need to ensure the
56 reliability of the sample.

57 (f) Specify circumstances under which an individual who
58 fails a drug test has the right to take one or more additional

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59 tests.

60 (g) Inform individuals who test positive for controlled
61 substances and are deemed ineligible for TANF benefits that they
62 may reapply for those benefits 1 year after the date of the
63 positive drug test. If the individual tests positive again, he
64 or she is ineligible to receive TANF benefits for 3 years
65 following the date of the second positive drug test.

66 (h) Provide any individual who tests positive with
67 information concerning substance abuse treatment programs that
68 may be available in the area in which he or she resides. Neither
69 the department nor the state is responsible for providing or
70 paying for substance abuse treatment as part of the screening
71 conducted under this section.

72 (3) (a) If a parent is deemed ineligible for TANF benefits
73 due to failing a drug test under this section, his or her
74 dependent child's eligibility for TANF benefits is not affected.

75 (b) If a parent is deemed ineligible for TANF benefits due
76 to failing a drug test, an appropriate protective payee shall be
77 established for the benefit of the child.

78 (c) The parent may choose to designate another individual
79 to receive benefits for the parent's minor child. The designated
80 individual must be an immediate family member or, if an
81 immediate family member is not available or the family member
82 declines the option, another individual, approved by the
83 department, may be designated. The designated individual must
84 also undergo drug testing before being approved to receive
85 benefits on behalf of the child. If the designated individual
86 tests positive for controlled substances, he or she shall be
87 deemed ineligible to receive benefits on behalf of the child.

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88 (4) The Department of Children and Family Services shall
89 adopt rules as necessary to administer this section.

90 Section 2. This act shall take effect July 1, 2011.