

By the Committees on Budget; and Criminal Justice; and Senators Oelrich, Dockery, Garcia, and Gaetz

576-04692-11

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1 A bill to be entitled

2 An act relating to 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 conditions for an individual
12 to reapply for temporary assistance for needy families
13 benefits; providing that, if a parent is deemed
14 ineligible due to failing a drug test, the eligibility
15 of the children is not affected; providing an
16 effective date.

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

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20 Section 1. Section 414.145, Florida Statutes, is created to
21 read:

22 414.145 Drug-screening program.—

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

28 (a) Individuals who are subject to the requirements of this
29 section include any parent or caretaker relative who is included

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30 in the cash assistance group, including individuals who may be
31 exempt from work activity requirements due to the age of the
32 youngest child or who may be excepted from work activity
33 requirements under s. 414.065(4).

34 (b) An individual who tests positive for controlled
35 substances as a result of a drug test required under this
36 section is ineligible to receive TANF benefits for 1 year after
37 the date of the positive drug test unless the individual meets
38 the requirements of paragraph (2)(j).

39 (2) The department shall:

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

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

50 (c) Require that any teen parent who is not required to
51 live with a parent, legal guardian, or other adult caretaker
52 relative in accordance with s. 414.095(14)(c) must comply with
53 the drug-testing requirement.

54 (d) Advise each individual to be tested, before the test is
55 conducted, that he or she may, but is not required to, advise
56 the agent administering the test of any prescription or over-
57 the-counter medication he or she is taking.

58 (e) Require each individual to be tested to sign a written

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59 acknowledgment that he or she has received and understands the
60 notice and advice provided under paragraphs (a) and (d).

61 (f) Assure each individual being tested a reasonable degree
62 of dignity while producing and submitting a sample for drug
63 testing, consistent with the state's need to ensure the
64 reliability of the sample.

65 (g) Specify circumstances under which an individual who
66 fails a drug test has the right to take one or more additional
67 tests.

68 (h) Inform an individual who tests positive for a
69 controlled substance and is deemed ineligible for TANF benefits
70 that the individual may reapply for those benefits 1 year after
71 the date of the positive drug test unless the individual meets
72 the requirements of paragraph (j). If the individual tests
73 positive again, he or she is ineligible to receive TANF benefits
74 for 3 years after the date of the second positive drug test
75 unless the individual meets the requirements of paragraph (j).

76 (i) Provide any individual who tests positive with a list
77 of licensed substance abuse treatment providers that are
78 available in the area in which he or she resides, that meet the
79 requirements of s. 397.401, and that are licensed by the
80 department. Neither the department nor the state is responsible
81 for providing or paying for substance abuse treatment as part of
82 the screening conducted under this section.

83 (j) Provide a procedure whereby an individual who tests
84 positive under this section and is denied TANF benefits as a
85 result may reapply for those benefits after 6 months if the
86 individual documents successful completion of a substance abuse
87 treatment program offered by a provider that meets the

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88 requirements of s. 397.401 and is licensed by the department. An
89 individual who has met the requirements of this paragraph and
90 reapplies for TANF benefits must also pass an initial drug test
91 and meet the requirements of subsection (1). Any drug test
92 conducted while the individual is undergoing substance abuse
93 treatment must meet the requirements of subsection (1). The cost
94 of any drug testing and substance abuse treatment provided under
95 this section is the responsibility of the individual being
96 tested and receiving treatment. An individual who fails the drug
97 test required under subsection (1) may reapply for benefits
98 under this paragraph only once.

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

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

105 (c) The parent may choose to designate another individual
106 to receive benefits for the parent's minor child. The designated
107 individual must be an immediate family member or, if an
108 immediate family member is not available or the family member
109 declines the option, another individual, approved by the
110 department, may be designated. The designated individual must
111 also undergo drug testing before being approved to receive
112 benefits on behalf of the child. If the designated individual
113 tests positive for controlled substances, he or she shall be
114 deemed ineligible to receive benefits on behalf of the child.

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

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