

By Senator Latvala

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1 A bill to be entitled
2 An act relating to Temporary Assistance for Needy
3 Families (TANF) applicant drug screening; creating s.
4 414.0653, F.S.; requiring the Department of Children
5 and Families to perform a drug test on an applicant
6 for TANF benefits with a prior felony conviction or
7 history of arrests for a drug-related offenses;
8 specifying that the cost of drug testing is the
9 responsibility of the individual tested; requiring the
10 department to provide notice of the drug-screening
11 policy; requiring the department to increase the
12 amount of the initial TANF benefit under certain
13 circumstances; providing procedures for testing and
14 retesting; requiring the department to provide
15 information concerning local substance abuse treatment
16 programs to certain individuals; providing conditions
17 for an individual to reapply for TANF benefits;
18 specifying that a child remains eligible for benefits
19 if a parent fails a drug test; providing conditions
20 for designating another protective payee; providing
21 rulemaking authority to the department; providing an
22 effective date.

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

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26 Section 1. Section 414.0653, Florida Statutes, is created
27 to read:

28 414.0653 Drug screening for applicants for Temporary
29 Assistance for Needy Families.-

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30 (1) (a) The department shall require a drug test consistent
31 with s. 112.0455, to be administered at the time of application
32 for benefits and every 2 months after that date, to screen each
33 individual who applies for Temporary Assistance for Needy
34 Families (TANF) who:

35 1. Has a previous conviction of committing or attempting to
36 commit a felony listed in chapter 893, relating to drug abuse
37 prevention and control.

38 2. Has a documented history of multiple arrests for drug
39 use or possession within the past 10 years.

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41 The cost of drug testing is the responsibility of the individual
42 tested.

43 (b) An individual who tests positive for controlled
44 substances as a result of a drug test required under this
45 subsection is ineligible to receive TANF benefits for 2 years
46 after the date of the positive drug test unless the individual
47 meets the requirements of paragraph (2) (g).

48 (2) The department shall:

49 (a) Provide notice of drug testing required pursuant to
50 subsection (1) to each individual at the time of application.
51 The notice must advise the individual that drug testing will be
52 conducted as a condition for receiving TANF benefits and that
53 the individual must bear the cost of testing. If the individual
54 tests negative for controlled substances, the department shall
55 increase the amount of the initial TANF benefit by the amount
56 paid by the individual for the drug testing. The individual
57 shall be advised that the required drug testing may be avoided
58 if the individual does not apply for TANF benefits. Dependent

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59 children under the age of 18 are exempt from the drug-testing
60 requirement.

61 (b) Advise each individual to be tested, before the test is
62 conducted, that he or she may, but is not required to, advise
63 the agent administering the test of any prescription or over-
64 the-counter medication the individual is taking.

65 (c) Require each individual to be tested to sign a written
66 acknowledgment that he or she has received and understood the
67 notice and advice provided under paragraphs (a) and (b).

68 (d) Assure each individual being tested a reasonable degree
69 of dignity while producing and submitting a sample for drug
70 testing, consistent with the state's need to ensure the
71 reliability of the sample.

72 (e) Inform an individual who tests positive for a
73 controlled substance and is deemed ineligible for TANF benefits
74 that the individual may reapply for those benefits 2 years after
75 the date of the positive drug test unless the individual meets
76 the requirements of paragraph (g). If the individual tests
77 positive again, he or she is ineligible to receive TANF benefits
78 for 3 years after the date of the second positive drug test
79 unless the individual meets the requirements of paragraph (g).

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

87 (g) An individual who tests positive under this section and

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88 is denied TANF benefits as a result may reapply for those
89 benefits after 6 months if the individual can document the
90 successful completion of a substance abuse treatment program
91 offered by a provider that meets the requirements of s. 397.401
92 and is licensed by the department. An individual who has met the
93 requirements of this paragraph and reapplies for TANF benefits
94 must also pass an initial drug test and meet the requirements of
95 subsection (1). Any drug test conducted while the individual is
96 undergoing substance abuse treatment must meet the requirements
97 of subsection (1). The cost of any drug testing and substance
98 abuse treatment provided under this section shall be the
99 responsibility of the individual being tested and receiving
100 treatment. An individual who fails the drug test required under
101 subsection (1) may reapply for benefits under this paragraph
102 only once.

103 (3) If a parent is deemed ineligible for TANF benefits as a
104 result of failing a drug test conducted under this section:

105 (a) The dependent child's eligibility for TANF benefits is
106 not affected.

107 (b) An appropriate protective payee shall be designated to
108 receive benefits on behalf of the child.

109 (c) The parent may choose to designate another individual
110 to receive benefits for the parent's minor child. The designated
111 individual must be an immediate family member or, if an
112 immediate family member is not available or the family member
113 declines the option, another individual, approved by the
114 department, may be designated. The designated individual must
115 also undergo drug testing before being approved to receive
116 benefits on behalf of the child. If the designated individual

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117 tests positive for controlled substances, he or she is
118 ineligible to receive benefits on behalf of the child.

119 (4) The department shall adopt rules to implement this
120 section.

121 Section 2. This act shall take effect July 1, 2017.