

1 A bill to be entitled
 2 An act relating to Temporary Assistance for Needy Families
 3 applicant drug screening; amending s. 414.0652, F.S.;
 4 requiring the Department of Children and Families to
 5 perform a drug test on an applicant for TANF benefits with
 6 a prior drug-related felony conviction or who the
 7 department reasonably suspects is engaging in the illegal
 8 use of a controlled substance; providing an effective
 9 date.

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

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 13 Section 1. Subsections (1) and (2) of section 414.0652,
 14 Florida Statutes, are amended to read:

15 414.0652 Drug screening for applicants for Temporary
 16 Assistance for Needy Families.—

17 (1) (a) The department shall require a drug test consistent
 18 with s. 112.0455 to screen each individual who applies for
 19 Temporary Assistance for Needy Families (TANF) who:

20 1. Has been convicted of committing or attempting to
 21 commit a drug-related felony under chapter 893 within the last
 22 10 years.

23 2. The department has a reasonable suspicion is engaging
 24 in the illegal use of a controlled substance.

25 (b) The cost of drug testing is the responsibility of the

26 individual tested.

27 ~~(a) An individual subject to the requirements of this~~
28 ~~section includes any parent or caretaker relative who is~~
29 ~~included in the cash assistance group, including an individual~~
30 ~~who may be exempt from work activity requirements due to the age~~
31 ~~of the youngest child or who may be exempt from work activity~~
32 ~~requirements under s. 414.065(4).~~

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

38 (2) The department shall:

39 (a) Provide notice of drug testing to each individual at
40 the time of application. The notice must advise the individual
41 that drug testing will be conducted as a condition for receiving
42 TANF benefits and that the individual must bear the cost of
43 testing. If the individual tests negative for controlled
44 substances, the department shall increase the amount of the
45 initial TANF benefit by the amount paid by the individual for
46 the drug testing. The individual shall be advised that the
47 required drug testing may be avoided if the individual does not
48 apply for TANF benefits. Dependent children under the age of 18
49 are exempt from the drug-testing requirement.

50 ~~(b) Require that for two-parent families, both parents~~

51 ~~must comply with the drug testing requirement.~~

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

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

60 (c) ~~(e)~~ Require each individual to be tested to sign a
61 written acknowledgment that he or she has received and
62 understood the notice and advice provided under paragraphs (a)
63 and (b) ~~(d)~~.

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

68 (e) ~~(g)~~ Specify circumstances under which an individual who
69 fails a drug test has the right to take one or more additional
70 tests.

71 (f) ~~(h)~~ Inform an individual who tests positive for a
72 controlled substance and is deemed ineligible for TANF benefits
73 that the individual may reapply for those benefits 1 year after
74 the date of the positive drug test unless the individual meets
75 the requirements of paragraph (h) ~~(j)~~. If the individual tests

76 | positive again, he or she is ineligible to receive TANF benefits
77 | for 3 years after the date of the second positive drug test
78 | unless the individual meets the requirements of paragraph (h)
79 | ~~(j)~~.

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

87 | (h)~~(j)~~ An individual who tests positive under this section
88 | and 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

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101 subsection (1) may reapply for benefits under this paragraph
102 only once.

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