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

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

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

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

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

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

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

(b)  The cost of drug testing is the responsibility of the
individual tested.

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

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

(2) The department shall:

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

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

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

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

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

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

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

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

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

    (h) An individual who tests positive under this section and is denied TANF benefits as a result may reapply for those benefits after 6 months if the individual can document the successful completion of a substance abuse treatment program offered by a provider that meets the requirements of s. 397.401 and is licensed by the department. An individual who has met the requirements of this paragraph and reapplies for TANF benefits must also pass an initial drug test and meet the requirements of subsection (1). Any drug test conducted while the individual is undergoing substance abuse treatment must meet the requirements of subsection (1). The cost of any drug testing and substance abuse treatment provided under this section shall be the responsibility of the individual being tested and receiving treatment.

CODING: Words strucken are deletions; words underlined are additions.
subsection (1) may reapply for benefits under this paragraph only once.

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