

House Bill No. 7137

An act relating to drug testing within the Department of Corrections; amending s. 944.474, F.S.; authorizing the department to develop a program for testing employees who are in safety-sensitive and special risk positions for certain controlled substances based upon a reasonable suspicion; providing for the reasonable suspicion to include violent acts or behavior of an employee while on or off duty; requiring the department to adopt rules; providing an effective date.

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

Section 1. Subsection (2) of section 944.474, Florida Statutes, is amended to read:

944.474 Legislative intent; employee wellness program; drug and alcohol testing.—

(2) Under no circumstances shall employees of the department test positive for illegal use of controlled substances. An employee of the department may not be under the influence of alcohol while on duty. In order to ensure that these prohibitions are adhered to by all employees of the department and notwithstanding s. 112.0455, the department may develop a program for the random drug testing of all employees. The department may randomly evaluate employees for the contemporaneous use or influence of alcohol through the use of alcohol tests and observation methods. Notwithstanding s. 112.0455(5)(a), the department may develop a program for the reasonable suspicion drug testing of employees who are in safety-sensitive or special risk positions, as defined in s. 112.0455(5), for the controlled substances listed in s. 893.03(3)(d). The reasonable suspicion drug testing authorized by this subsection shall be conducted in accordance with s. 112.0455, but may also include testing upon reasonable suspicion based on violent acts or violent behavior of an employee who is on or off duty. The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 that are necessary to administer this subsection.

Section 2. This act shall take effect July 1, 2006.

Approved by the Governor June 7, 2006.

Filed in Office Secretary of State June 7, 2006.