

FLORIDA STATE WORKERS FACE DRUG TESTING BILL



A Florida bill requiring state agencies to conduct random tests on their workers for drugs is now headed to the desk of Gov. Rick Scott for passing. However the bill wouldn't mandate testing for all public sector employees; members of the Florida legislature would get a pass. Sen. Alan Hays, R-Umatilla, the bill sponsor, said it was a necessary measure to curb the problem of illegal drug use in Florida. He said, "For us to put our heads in the sand and say, 'Oh no, we won't allow our state employees to be drug tested,' is disingenuous," "Just because somebody works for the state, doesn't make them any less likely to have a drug abuse problem." Hays, and his House counterpart Rep. Jimmie Smith, R-Lecanto, have said the drug tests make sense and will stand up to a constitutional challenge. According to Sen. Joe Negron, R-Stuart and the chamber's top health care budget-writer, the program infringes on workers' rights and said, "There is simply no reason to embark on this program" While State Sen. Jack Latvala, R-St. Petersburg had similar fears initially, he says changes to the bill vis-à-vis that those tested are to be picked randomly by a computer, and that only a certain number of an agencies employees can be tested each quarter, won his support. Lawmakers voted down an amendment, last week that would have required the governor and elected officials to be drug tested. "It was found to be unconstitutional to drug test elected officials because it prevents us, as citizens, from having that First Amendment right," Smith said last month. While similar random testing programs are common in some private sector industries, courts rulings indicate that government drug tests may be unconstitutional. Present law permits drug testing for "safety sensitive" positions and prohibits agencies from firing workers who test positive once, requiring treatment programs instead. The proposed bill would on the other hand allow state agencies to randomly test up to 10 percent of their workforce once every three months and fire agencies the first time they test positive.

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