

## TO TEST OR NOT TO TEST



Gov. Rick Scott's administration issued a memo "clarifying" that drug- testing of state workers will not begin until a legal battle is resolved. The governor's top lawyer, on Tuesday, advised holding off the testing pending the resolution of an existing legal challenge. The Department of Correction put on hold the Republican Governor's executive order after a lawsuit was filed in federal court. The memo was sent to agency heads a day after Scott signed the law. Scott's acting general counsel, Jesse Panuccio, sent a memo to agency heads a day after Scott signed the law. "Because the legal case remains unresolved, the practical and logistical issues involved with implementing drug testing across all agencies remains the same," he said. It will make it easier to fire a worker after a first confirmed positive test, if the measure effective date of July, comes into effect. Nearly 1,600 applicants have refused to take the test since testing began in mid-July, but they aren't required to say why. Thirty-two applicants failed the test and more than 7,000 have passed, according to the Department of Children and Families. The majority of positives were for marijuana. A federal judge temporarily blocked Florida's new law that requires welfare applicants to pass a drug test before receiving benefits. Judge Mary Scriven ruled in response to a lawsuit filed on behalf of a 35-year-old Navy veteran and single father who sought the benefits while finishing his college degree, but refused to take the test. She stated that the plaintiff Luis Lebron would succeed in his challenge to the law based on the Fourth Amendment, which protects individuals from being unfairly searched. Scriven added that she found it "troubling" that the drug tests are not kept confidential like medical records. The results can also be shared with law enforcement officers and a drug abuse hotline. "This potential interception of positive drug tests by law enforcement implicates a 'far more substantial' invasion of privacy than in ordinary civil drug testing cases," said Scriven, who was appointed by President George W. Bush. More than two-dozen states have also proposed drug-testing recipients of welfare or other government assistance, but Florida was the first state to enact such a law in more than a decade. Should any of those states pass a law and face a court challenge, Scriven's ultimate ruling would likely serve as a legal precedent.

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