

CF OPERATING PROCEDURE
NO. 60-05, Chapter 12

STATE OF FLORIDA
DEPARTMENT OF
CHILDREN AND FAMILIES
TALLAHASSEE, March 17, 2026

DRUG-FREE
WORKPLACE

12-1. Purpose. This operating procedure establishes a uniform process for drug testing job applicants, volunteers, and employees within the Department of Children and Families (Department), including, reasonable suspicion testing and fitness for duty testing.

12-2. Scope. This operating procedure applies to all job applicants, employees, and volunteers of the Department.

12-3. References and Authority.

- a. Section 39.001(2)(d), Florida Statutes (F.S.), Child Protective Investigators.
- b. Chapter 633, F.S., Fire Prevention and Control.
- c. Chapter 893, F.S., Drug Abuse Prevention and Control.
- d. Chapter 943, F.S., Department of Law Enforcement.
- e. Section 110.502(2), F.S., Volunteer Compliance.
- f. Section 112.0455, F.S., Drug-Free Workplace Act.
- g. Section 119.07, F.S., Inspection and Copying of Records; Photographing Public Records; Fees; Exemptions.
- h. Rule Chapter 59A-24, Florida Administrative Code (F.A.C.), Drug-Free Workplace Standards.
- i. CFOP 60-40, Chapter 4, Employee Assistance Program.

12-4. Definitions. For the purposes of this operating procedure, the following definitions apply:

- a. Applicant. A person who has applied for a special risk or safety sensitive position with the Department and who has been offered the position conditioned upon successfully passing a drug test.

b. Collection Site. A place owned, operated, or contracted by a laboratory licensed under Rule Chapter 59A-24, F.A.C., or a site prepared by a collector authorized under section 112.0455, F.S., where individuals present themselves for the purpose of providing a specimen or specimens to be analyzed for the presence of drugs or alcohol.

c. Drug. Alcohol, including distilled spirits, wine, malt beverages and intoxicating liquors, amphetamines, cannabinoids (including marijuana and THC), cocaine, phencyclidine (PCP), hallucinogens, methaqualone, opiates, barbiturates, benzodiazepines, synthetic narcotics, designer drugs or a metabolite of any of the substances listed herein or any other substance subsequently listed in section 112.0455(5)(a), F.S.

d. Employee Assistance Program (EAP). An established program for employee assessment, counseling, and possible referral to an alcohol or drug rehabilitation program. See CFOP 60-30, Chapter 4, for additional information.

e. Employee. Any person employed in an established full or part-time Department position in the Senior Management Service, Select Exempt Service, Career Service, or paid from Other Personal Services (OPS) funds.

f. Medical Review Officer (MRO). Licensed physician with knowledge of substance abuse disorders, laboratory testing procedures and chain of custody collection procedures, who possesses the appropriate medical training to interpret and evaluate an individual's positive test result together with his or her medical history or any other biomedical information and makes the final determination of the employee or applicant's test results.

g. Safety Sensitive Positions. Any positions, including supervisory or management positions, in which a drug impairment would constitute an immediate and direct threat to public health or safety to include Abuse Counselor classes, Child Protection classes (that perform child protective investigations), Crime Intelligence Technician/Analyst classes, Firefighter classes, and Institutional Security classes.

h. Special Risk Positions. Certified security officers, and any other position for which the employee is required to be certified under Chapter 633, F.S. or Chapter 943, F.S., as a condition of employment.

i. Specimen. A product of the human body capable of revealing the presence of drugs or their metabolites.

12-5. Policy. It is the policy of the Department to maintain a drug-free workplace in compliance with s.112.0455, F.S., the Drug-Free Workplace Act. Employees, contractors and volunteers are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, sale, or use of a controlled substance as described in Schedules I through V of section 893.03, F.S., or alcohol in the workplace or while engaged in Department business while off the Department's

premises. Such conduct is also prohibited during non-working hours to the extent that it impairs an employee's credibility or ability to perform on the job. Employees, contractors and volunteers are encouraged to seek professional assistance whenever alcohol or drug dependency problems adversely affect or impair their ability to perform assigned duties. This policy represents the Department's on-going efforts to provide a safe and healthy work environment.

12-6. Procedures.

a. An individual who is selected for drug-testing under this policy, will be provided a copy of this policy and instructions regarding their drug test, including where to report and when.

b. Individuals selected for drug-testing must report for the scheduled appointment (or walk-in when available) at the designated collection site. Failure to report within the allotted time will disqualify an applicant from further consideration for employment, and will subject a current employee to disciplinary action, up to and including dismissal.

c. Individuals may confidentially report the use of prescription or over-the-counter medications to the MRO before or after being tested. A list of over-the-counter and prescription drugs which could alter or affect a test result is contained in Rule 59A-24.005, F.A.C. Cannabinoids (including marijuana and THC), even if taken in accordance with a medical marijuana card or subscription, will not be considered as prescription or over-the-counter medication, for testing purposes. If cannabinoids are detected in a specimen, the test will be reported as positive and that will disqualify the person from employment. Individuals have a right to consult with the laboratory before or after being tested for technical information regarding the use of prescription or over-the-counter medication.

d. The drugs tested for under this policy are amphetamines, cannabinoids (including marijuana and THC), cocaine, phencyclidine (PCP), methaqualone, opiates, barbiturates, benzodiazepines, methadone, propoxyphene, and semi-synthetic opioids (including hydrocodone, oxycodone, hydromorphone, and oxymorphone). Alcohol, including distilled spirits, wine, malt beverages, intoxicating liquors, and medications containing ethyl alcohol (ethanol), are not included in pre-employment testing, but may be a substance tested for based on reasonable suspicion.

e. The designated laboratory shall test and analyze the specimen from the authorized collection site in accordance with Rule Chapter 59A-24, F.A.C.

f. When a positive test result is received for a special risk or safety sensitive employee, or while results are pending for a reasonable suspicion drug test, the Department may assign temporary duties not involving special risk or safety sensitive activities. If such duties are unavailable, the employee will be placed on leave status until the

Secretary, appropriate assistant secretary, hospital administrator, or designee decides on the action to be taken.

12-7. Types of Testing

a. Applicants. All job opportunity announcements for special risk and safety sensitive positions will contain a statement that successful completion of a drug test is a condition of employment. Job applicants, including current employees and volunteers, for appointment to positions designated as special risk or safety sensitive, must pass the prescribed drug test.

(1) After the selection of the applicant for a special risk or safety sensitive position is approved, the applicant will be provided a link to a nearby testing sites. The test must occur within 24 hours of the applicant being provided the link.

(2) The Department will not hire any applicant for a position required to undergo pre-employment drug testing who has failed to timely submit to pre-employment testing or for whom a positive test result is returned. Within five working days after receiving positive test results, the Background Screening Unit shall inform the individual who was tested in writing of such positive test results. Within five working days after receiving the notice, the individual may submit information contesting the results of the test.

b. Reasonable suspicion. The Department may require an employee or volunteer to submit to a drug test when it appears that the individual is using or has used drugs in violation of Department policy. The recommendation of a supervisor who is at least one level of supervision higher than the immediate supervisor of the employee in question, in consultation with regional legal counsel, is required before conducting reasonable suspicion drug testing.

(1) Prior to sending an employee or volunteer for a reasonable suspicion drug test, objective evidence, articulable facts and inferences giving rise to the reasonable suspicion of drug use will be communicated to the Employee Relations representative and/or legal counsel. Among other things, such facts and inferences may be based upon:

(a) Observable phenomena while at work, such as direct observation of drug or alcohol use or the physical symptoms or manifestations of being under the influence of a drug or alcohol.

(b) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.

(c) A report of drug use or alcohol use in violation of Department policy, provided by a reliable and creditable source that has been independently corroborated.

(d) Evidence that an employee has tampered with a drug or alcohol test during his or her employment with the current employer.

(e) Information an employee has caused or contributed to an accident while at work.

(f) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working, or while on Department premises, or while operating Department vehicles, machinery, or equipment.

(2) When an employee or volunteer meets one or more of the categories for reasonable suspicion drug testing, their supervisor (or on-call supervisor if after hours) or next level supervisor will (a) inform the individual that s/he will be tested for drugs or alcohol (b) arrange for transportation for the individual to a collection site in the area and (c) electronically submit the name of the individual and the reason for testing to the collection site. The individual shall not be allowed to drive to the collection site.

(3) Drug testing for reasonable suspicion must be done as close to the initial observation as possible; preferably within 2 hours. If the necessary authorization cannot be obtained or the testing site is closed before the individual to be tested concludes his or her shift, the testing can be required at the beginning of the next workday; except for alcohol testing which must be a same day test. The person being tested will not be informed until immediately before they are sent for testing.

(4) No later than two working days after the drug test was conducted, the reasonable suspicion drug test form will be reviewed by Employee Relations and the legal representative and provided to the appropriate Program Director in the Region or Headquarters, or Administrator in the Mental Health Treatment Facility.

c. Periodic Testing. Employees in certain safety sensitive positions shall submit to drug testing on a periodic basis, not exceeding three years between testing. Once scheduled the test must occur within 24 hours.

d. Follow-up. The Department may require an employee attending an EAP program due to alcohol or drug related problems to take a follow-up drug test and submit to random testing for up to two years after completing EAP.

12-8. Receipt of Test Results and Action by the Department.

a. The laboratory authorized to conduct the drug test shall provide all positive and negative test results to the MRO. The MRO shall provide the test results only to the Background Screening Unit. In the event of a positive test result for a current employee, the Background Screening Unit shall immediately notify the supervisor, Employee Relations, and the appropriate Program Director in the Region or Headquarters, or Administrator in the Mental Health Treatment Facility.

b. Within five working days after receiving positive test results, the Background Screening Unit shall inform the individual who was tested in writing of such positive test

results. Within five working days after receiving the notice, the individual may submit information contesting the results of the test.

c. The results of drug testing of employees by the Department are confidential. The Department will maintain all drug testing results and any written response or explanation electronically in a confidential file for a minimum of one year from the date the test was administered. After one year, the Department will securely store the records in accordance with the retention schedule.

12-9. Disciplinary Action, Discharge, Employee Assistance Program, Refusal to Hire.

a. The Department will not discharge, discipline, refuse to hire, discriminate against, or request or require treatment of any individual based solely on the results of an unconfirmed test.

b. If the MRO reports that an applicant's test is positive confirmed, the Department will have just cause to refuse to hire the applicant.

c. An employee in a special risk position is subject to disciplinary action up to and including dismissal for any positive confirmed drug test.

d. The Department will refer an employee (except an employee in a special risk position), who has a first-time positive confirmed drug test result, to the EAP. The employee shall pay all treatment costs. Personal health insurance may cover all or part of the cost. The employee may be required to enter an agreement outlining provisions of the EAP treatment program for the employee and any other Department requirements. The agreement is confidential.

(1) The Department may reassign an employee in a safety sensitive position from the safety sensitive duties to non-safety sensitive duties during the rehabilitation or treatment program. If such duties are unavailable, the employee may be placed on leave status while participating in an EAP or alcohol and drug rehabilitation program. If placed on an approved leave status, the Department will permit the employee to use any accumulated leave credits prior to being placed on leave without pay.

(2) Except for an employee in a special risk position, the Department will not discipline, discharge, or discriminate against an employee based on the first positive confirmed drug test, unless the employee was given an opportunity to participate in an EAP or alcohol and drug rehabilitation program, and the employee:

(a) Refused to participate in the program;

(b) Failed to successfully complete the program, as evidenced by withdrawal before completion or a report from the program indicating unsatisfactory compliance;

(c) Tested positive after completion of the program; or

(d) Refused to sign a written consent form allowing the Department to obtain information regarding the progress and successful completion of the EAP or alcohol and drug rehabilitation program.

(3) Upon successful completion of the EAP or alcohol and drug rehabilitation program, as determined by the provider, the Department will reinstate the employee to the same or equivalent duties that he or she held prior to such rehabilitation, and document that the employee successfully completed the agreement between the employee and the Department.

e. The Department will not discharge, discipline, or discriminate against an employee for voluntarily seeking treatment for a drug-related problem while under the employ of the Department if the employee has not previously tested positive confirmed for drug use, entered mandated EAP for drug-related problems, or entered an alcohol and drug rehabilitation program. However, special risk employees are subject to discipline when the presence of illicit drugs, pursuant to s.893.13, F.S., is positive confirmed.

f. If the treatment recommendation is for inpatient rehabilitation, the Department will permit the employee to use any accumulated leave credits prior to placing the employee on leave without pay. Upon successful completion of the treatment program, as determined by the provider, the Department will return the employee to the same or equivalent position held prior to such rehabilitation.

g. An employee who violates the Department's Standards for Disciplinary Actions related to possession, use, sale, or solicitation of drugs, including convictions for drug related offenses, is subject to disciplinary action under those standards, up to and including dismissal.

12-10. Confidentiality.

All information, interviews, reports, statements, memoranda and drug test results, written or otherwise, received by the Department through the drug testing program are confidential communications and are exempt from the provisions of s.119.07, F.S., and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings except in accordance with section 112.0455(11), F.S.

12-11. Right to Appeal

Any employee who is disciplined or who applies for a special risk or a safety-sensitive position and is not selected based on a positive drug test, may file an appeal with Public Employees Relations Commission (PERC) pursuant to s. 112.0455(14), F.S. The request for appeal must be filed within 30 calendar days of the notice of discipline or refusal to select. An employee covered by a collective bargaining agreement may file a grievance under that contract, but the employee may not file both an appeal and a grievance.

BY DIRECTION OF THE SECRETARY:

(Signed original copy on file)

SHELBY JEFFERSON
Human Resources Director

SUMMARY OF REVISED, ADDED, OR DELETED MATERIAL

This operating procedure is part of a complete rewrite of Drug-Free Workplace operating procedures and includes updates to the overall policy and procedures.