

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7028

BILL NUMBER: HB 1007

NOTE PREPARED: Jan 30, 2012

BILL AMENDED: Jan 30, 2012

SUBJECT: Drug Testing of Public Assistance Recipients.

FIRST AUTHOR: Rep. McMillin

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: **GENERAL**
DEDICATED
 FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill has the following provisions:

(1) Requires the Office of the Secretary of Family and Social Services Administration (FSSA) to develop and establish a pilot program in three counties to test for the use of controlled substances under certain conditions by an individual who:

(A) receives assistance under the Temporary Assistance for Needy Families (TANF) program for the individual or on behalf of a child; and

(B) is at least 18 years of age.

(2) Requires the FSSA to notify the Department of Child Services (DCS) if a child is ineligible for assistance as a result of an individual testing positive for the illegal use of a controlled substance.

(3) Requires the DCS, not later than nine months after the date the DCS receives the report, to conduct a home visit at the child's residence to determine whether to pursue the report as a report of suspected child abuse or neglect.

(4) Requires the Legislative Council to establish and administer a program to test members of the General Assembly for the use of controlled substances.

Effective Date: July 1, 2012.

Summary of NET State Impact: *TANF Drug-Testing Pilot Program:* This bill is expected to increase state expenditures between \$810,000 and \$1.11 M in the first year of implementation and between \$148,000 and \$339,000 in the second year of implementation. This estimate includes (1) drug testing costs, (2) savings from reduction in TANF benefits, (3) drug testing administration costs, (4) costs to provide a database to track

individuals who test positive on drug tests, (5) administrative hearing costs, and (6) staff training costs. Actual costs of administering the program will depend on administrative decisions in implementation.

(Revised) *Drug-Testing Program for General Assembly Members*: Implementing a drug-testing program for members of the General Assembly is expected to increase state administrative expenditures. However, it is expected that administrative expenses would be covered with existing resources. The bill also establishes fines levied by the member's body against legislators who test positive for the presence of controlled substances.

Explanation of State Expenditures: (Revised) *Pilot Program Costs*: This bill is expected to increase state expenditures to implement a drug-testing pilot program for two years in three counties selected by the FSSA. The actual fiscal impact of the pilot program on the state will depend on a variety of factors, many involving decisions on implementation:

- (1) the counties selected by FSSA for participation in the pilot program,
- (2) the number of TANF recipients that consent to drug testing,
- (3) the number of TANF recipients that do not consent to drug testing and are therefore subject to drug testing based on reasonable suspicion,
- (4) the costs of drug tests administered under the pilot program,
- (5) the number of drug tests administered to individuals who consent to drug testing where the state is responsible for the testing costs,
- (6) the number of drug tests administered to individuals subject to random drug testing where the state would be required to reimburse the testing costs,
- (7) the number of adult TANF recipients who, as a result of a positive drug test, would be temporarily ineligible or permanently ineligible for TANF benefits,
- (8) the number of children who, as the result of a parent's or guardian's positive drug test, would have their TANF benefit amount reduced by 50% or would be permanently ineligible for TANF benefits,
- (9) the number of individuals who refuse to take a drug test when asked, rendering them ineligible for TANF benefits, and in some cases affecting the TANF benefits provided to their children,
- (10) the number of TANF recipients who test positive on a drug test but successfully complete or participate in a drug-treatment program approved by the Division of Mental Health and Addiction (DMHA).

The net increase in expenditures could be between \$810,000 and \$1.11 M in the first year of implementation and between \$148,000 and \$339,000 in the second year of implementation. The upper range is based on estimates provided by FSSA, and the lower range is based on alternative implementation assumptions.

The state of Florida implemented a drug-testing program that required applicants to pass a drug test as a condition of receiving TANF benefits. Under the Florida program, individuals were required to pay between \$25 and \$35 for a drug test and were reimbursed if they tested negative. The Florida Department of Children and Families (DCF) reported the administration of the drug-testing program was provided without incurring new administrative costs. The Florida DCS also reported that individuals who tested negative for drugs were reimbursed from TANF funds. If the FSSA were to implement the pilot program in a similar fashion to the state of Florida, administrative and drug-testing expenses may be minimized.

Impact to DCS: The DCS reports the provisions of the bill will increase DCS workload to perform assessments of child abuse and neglect for adults who receive TANF benefits on behalf of their children who test positive for drugs, rendering a child ineligible for TANF benefits. However, the DCS reports the requirement to do this

for three counties involved in the pilot program can be absorbed with current staff and resource levels.

Additionally, to the extent DCS investigates a family in instances where a parent or guardian has tested positive for controlled substances and an out-of-home placement is recommended by the DCS, state expenditures for out-of-home placements may increase. Increases are indeterminable but may be small given that only three counties will be included in the pilot program.

(Revised) *Drug Testing of General Assembly Members*: The bill establishes a drug-testing program for the members of the General Assembly. The Legislative Council is tasked with establishing and administering the drug-testing program in the bill and also specifies that members of the General Assembly are financially responsible for the costs of the drug test regardless of the test result. It is expected that implementing a drug-testing program to members of the General Assembly will result in administrative costs even though members of the General Assembly are required to finance the costs of drug tests. Actual increases in expenditures to implement the program are unknown. However, it is expected that administrative expenses would be covered with existing resources.

Explanation of State Revenues: (Revised) *Pilot Program*: The bill establishes periods of TANF ineligibility for individuals who test positive for controlled substances (and do not successfully complete or participate in a drug-treatment program approved by the DMHA), which range from three months to a lifetime period of ineligibility. Additionally, for parents or guardians who are subject to reasonable suspicion drug-testing standards and test positive for controlled substances, the benefits for their minor children are to be reduced by either (1) 50% for a 6-month period or (2) 100% for the duration of time the minor child resides with that parent or guardian (depending on the number of times these individuals test positive for controlled substances).

To the extent an individual tests positive for controlled substances in the pilot program (and do not successfully complete or participate in a drug treatment program approved by the DMHA), this bill may result in the reduction of TANF benefits administered to (1) parents or guardians with dependent children who receive TANF payments (both for themselves and their dependent children), and (2) parents or guardians who receive TANF payments only on behalf of their minor children. Decreases in TANF benefits administered to those individuals (and possibly their dependent minor children) who test positive for controlled substances under the pilot program are expected to reduce state expenditures.

(Revised) *Drug Testing for General Assembly Members*: Under the bill, if a member of the General Assembly is found to test positive for controlled substances, they would be subject to (1) penalties prescribed by the member's body and (2) loss of privileges prescribed in the bill. It is assumed that if the member's body decides to levy a fine against a member of the General Assembly with a positive drug test result, any amount collected will be deposited in the General Fund. Increases in General Fund revenue would depend on (1) the number of members of the General Assembly who test positive for drugs and (2) any penalties prescribed by the member's body. Actual increases in state revenue are indeterminable.

Background Information on TANF Program: TANF assistance is shared between state and federal governments. However, the federal share is provided through a capped block grant allocation with a state maintenance-of-effort (MOE) requirement. TANF block grant allocations are determined on a formula basis with increased flexibility for their use by the states over what was permitted under the prior Aid to Families with Dependent Children (AFDC) Program. The state contributes roughly 1/3 of the benefits in the TANF program.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: FSSA, DCS.

Local Agencies Affected:

Information Sources: Brady Brookes, DCS; Dawn Hetzel, FSSA; Joe Follick, Florida Department of Children and Family.

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