

Facts Businesses Should Know about Drug-Free Workplace Policies in Florida

Why are drug-free workplace policies important?

Working drug free works to...

- Prevent accidents and make workplaces safer
- Improve productivity and reduce costs
- Encourage people with alcohol and drug problems to seek help

According to recent research, it's a message that many workers need to hear.

- 75 percent of the nation's current illegal drug users are employed—and 3.1 percent say they have actually used illegal drugs before or during work hours.
- 79 percent of the nation's heavy alcohol users are employed—and 7.1 percent say they have actually consumed alcohol during the workday.

Drug-free workplace programs help protect employers and employees alike from the potentially devastating consequences of worker alcohol or drug abuse. Establishing policies, educating about the dangers of alcohol and drug use, deterring and detecting use, and urging people to seek help for alcohol and drug problems are smart safety strategies. They're also smart business strategies.

What does it mean to be a drug-free workplace?

A drug-free workplace is a workplace free of the health, safety and productivity hazards caused by employees' abuse of alcohol or drugs. To achieve a drug-free workplace, many employers develop drug-free workplace programs. A comprehensive drug-free workplace program generally includes five components—a drug-free workplace policy, supervisor training, employee education, employee assistance and drug testing. The U.S. Department of Labor's (DOL) Working Partners program has a Web tool called the Drug-Free Workplace Advisor Policy Builder that can help you learn about these different components.

Although employers may choose not to include all five components, it is recommended that all be explored when developing a drug-free workplace program. Research shows that more components may lead to a more effective program. However, because every business is unique, there is no one right way to establish a drug-free workplace program.

I need help developing a drug-free workplace policy. Where can I get help?

Locally, organizations like Sarasota Coalition on Substance Abuse (www.scosa.org) have free assistance in creating policies. Also, The U.S. Department of Labor's (DOL) Working Partners program has a Web tool called the [Drug-Free Workplace Advisor Policy Builder](#) that helps employers develop customized drug-free workplace policies. If you need to develop a drug-free workplace policy from scratch, this tool guides you through the different components of a comprehensive policy and then generates a policy statement based on your responses to pre-set questions and statements. You can then incorporate your organization's name and logo and further modify the statement if needed. If your organization already has a drug-free workplace policy, you may want to use this tool to ensure it addresses all the issues that it should.

Florida State Law--Workers' Compensation Premium Discount Act

Summary of Law(s) and Regulation(s): Voluntary law provides a 5% discount for implementing and maintaining an annually certified drug-free workplace program (including drug and alcohol testing) in compliance with the Act, and provides that a positive test creates a rebuttable presumption that the employee be denied benefits.

[Fla. Stat. Ann. §§ 440.101 to .102 \(2003\)](#)

Rate filing; workers' compensation, drug-free workplace, and safe employers

[Fla. Stat. Ann. §627.0915](#)

Drug-free workplace standards

[Fla. Admin. Code Ann. Rule 59A-24 \(2000\)](#)

Florida State Law--Unemployment Compensation

Contact Information: Department of State
Bureau of Administrative Code and Law 401 South
Monroe, Elliot Building
Tallahassee, FL
904-488-8427 904-488-8427

Summary of Law(s) and Regulation(s): Benefits denied to rejected applicant or discharged employee who tests positive on drug-test, which if part of a drug-free workplace program pursuant to the Workers' Compensation Premium Reduction Act or equivalent standard established by federal law or regulation creates a rebuttable presumption that applicant or employee used controlled substances.

[Fla. Stat. Ann. § 443.101 \(2005\)](#)

Florida State Law--Workers' Compensation

Contact Information: Department of State
Bureau of Administrative Code and Law 401 South
Monroe, Elliot Building
Tallahassee, FL
904-488-8427 904-488-8427

Summary of Law(s) and Regulation(s): Medical and indemnity benefits are forfeited, and an employee may be discharged for testing positive for alcohol or a prohibited drug, or refuses to test, provided the employer has a program in compliance with the Workers' Compensation Premium Reduction Act.

[Fla. Stat. Ann. § 440.101 \(2003\)](#)

Benefits denied if injury caused primarily by employee's intoxication or use of drugs not prescribed by physician. If employer does not have a certified program, an injured employee's positive test or refusal to test creates a rebuttable presumption that the injury was caused primarily by the impairment, unless the employer had actual knowledge of and acquiesced while employee was under the influence.

[Fla. Stat. Ann. § 440.09 \(Supp. 2006\)](#)

Florida State Law--Drug-Free Workplace Act

Contact Information: Department of State
Bureau of Administrative Code and Law 401 South Monroe, Elliot Building
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The Florida Drug-Free Workplace Act provides that any state agency may test certain employees and job applicants for the use of drugs. The law does not require the testing of employees or applicants, but mandates that any agency which does choose to test do so in accordance with specified methods and procedures outlined in the Act.

[Fla. Stat. Ann. § 112.0455](#)

Where two or more bids of equal merit are submitted to win a contract, there is a preference given to businesses with drug-free workplace programs.

[Fla. Stat. Ann. § 287.087](#)

Building construction and electrical and alarm contractors performing work related to public school system facilities, public property, publicly owned buildings, or state correctional facilities are required to implement a drug-free workplace program in compliance with the Workers' Compensation Premium Reduction Act.

[Fla. Stat. Ann. § 440.102 \(15\) \(2003\)](#)

The State Division of Pari-mutuel Wagering has adopted and implemented certain rules and procedures that apply to licensees of slot machine gaming. One of those rules is that the licensees must implement a drug-testing program for employees that includes, but is not limited to, requiring each employee to sign an agreement that he or she understands that the slot machine facility is a drug-free workplace. The division may impose a civil fine of up to \$5,000 for each violation of the rules and procedures in place under the State statute affecting gaming.

Material from Department of Labor Drug-Free Workplace website:

<http://www.dol.gov/asp/programs/drugs/workingpartners/dfworkplace/dfwp.asp>