

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 257 CS Drug Testing of Student Athletes  
**SPONSOR(S):** Llorente and others  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 2262

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>PreK-12 Committee</u>	<u>9 Y, 0 N, w/CS</u>	<u>Howlette</u>	<u>Mizereck</u>
2) <u>Judiciary Committee</u>	<u></u>	<u>Thomas</u>	<u>Hogge</u>
3) <u>Education Appropriations Committee</u>	<u></u>	<u></u>	<u></u>
4) <u>Education Council</u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

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### SUMMARY ANALYSIS

The bill requires the Florida High School Athletic Association (FHSAA) to adopt bylaws that require member schools to abide by district school board procedures or private school procedures requiring:

- Instruction on the dangers of steroid use in physical education classes or health classes;
- Instruction to team members by head coaches on the dangers of steroid use;
- Inclusion of a prohibition against steroid use in the student code of conduct; and
- Inclusion of the effects of steroids in drug suspicion criteria.

The bill requires these bylaws to be adopted by the FHSAA in consultation with the Florida School Boards Association and the Florida Association of District School Superintendents.

The bill requires the FHSAA to adopt bylaws that require member schools to adhere to the Florida Coaches Code of Ethics. The bill requires that these bylaws include penalties for noncompliance. The bill requires that the association develop the Florida Coaches Code of Ethics by October 1, 2005.

The bill requires the FHSAA to make recommendations to the Legislature by October 1, 2005, regarding the creation of a pilot drug testing program for performance-enhancing drugs.

The fiscal impact of the bill is indeterminate, but should not be significant. See fiscal comments.

The bill takes effect September 1, 2005.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Provide limited government** – The bill requires adoption of policies by school districts regarding steroid use.

#### B. EFFECT OF PROPOSED CHANGES:

The bill requires the Florida High School Athletic Association (FHSAA) to adopt bylaws that require member schools to abide by district school board procedures or private school procedures requiring:

- Instruction on the dangers of steroid use in physical education classes or health classes;
- Instruction to team members by head coaches on the dangers of steroid use;
- Inclusion of a prohibition against steroid use in the student code of conduct; and
- Inclusion of the effects of steroids in drug suspicion criteria.

These bylaws are to be adopted by the FHSAA in consultation with the Florida School Boards Association and the Florida Association of District School Superintendents.

The bill requires the FHSAA to adopt bylaws that require member schools to adhere to the Florida Coaches Code of Ethics. The bill requires that these bylaws include penalties for noncompliance. The bill requires that the FHSAA develop the Florida Coaches Code of Ethics by October 1, 2005.

The bill requires the FHSAA to make recommendations to the Legislature by October 1, 2005, regarding the creation of a pilot drug testing program for performance-enhancing drugs.

### BACKGROUND

Eleven Florida school districts have implemented drug testing programs for students, however, none of these programs specifically test for steroid use. Current law does not explicitly authorize school boards to require students to submit to drug testing.

Quest Diagnostics and Lab Corporation of America, two companies that perform steroid testing, report that steroid screens or panels can test for at least 20 different steroid drugs or their metabolites. The Office of Program Policy Analysis and Government Accountability (OPPAGA) reports that testing for steroids ranges from \$50.00 to \$250.00 per test. OPPAGA also reports that testing facilities are limited. Steroid testing is done in the form of a urinalysis test, but it is a more extensive test that requires sophisticated equipment that many labs do not have. Therefore, the test must be sent to the few labs in the United States that do this type of testing. Additional costs include specimen collection and processing, as well as, staff time, specimen collection equipment, and mailing costs.

#### C. SECTION DIRECTORY:

**Section 1.** Amends s. 1006.20, F.S., relating to athletics in public K-12 schools.

**Section 2.** Requires the Florida High School Athletic Association to make recommendations to the Legislature by October 1, 2005, regarding the creation of a pilot drug testing program for performance-enhancing drugs.

**Section 3.** Provides an effective date of September 1, 2005.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

See fiscal comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

The fiscal impact of House Bill 257 is indeterminate but should not be significant. The bill requires, as a condition of membership in the FHSAA, compliance with district school board policies relating to steroid use. These policies will need to be developed by the school districts.

In addition, the bill requires the FHSAA to adopt a Florida Coaches Code of Ethics and to make recommendations to the Legislature by October 1, 2005, regarding the creation of a pilot drug testing program for performance-enhancing drugs.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this joint resolution does not appear to require counties or cities to: spend funds or take action requiring the expenditure of funds; reduce the authority of counties or cities to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties or cities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not applicable under this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

#### IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

This analysis is drawn to the Committee Substitute that was adopted at the February 22, 2005, meeting of the PreK-12 Committee. The Committee Substitute differs from the bill as filed in that the Committee Substitute:

- Deletes provisions that require random testing of student athletes for steroid use.
- Provides that in order to belong to the FHSAA, schools must meet district school board or private school policies for:
  1. instruction in physical education or health classes about the dangers of steroid use;
  2. instruction about the dangers of steroid use by head coaches to their teams;
  3. inclusion of a specific prohibition against steroid use in the student code of conduct; and
  4. inclusion of the effects of steroid use in lists of drug suspicion criteria.
- Requires the FHSAA to adopt bylaws requiring adherence to the Florida Coaches Code of Ethics, which shall be developed by September 1, 2005.
- Requires the FHSAA to make recommendations to the Legislature for a statewide pilot drug testing program in a designated sport by October 1, 2005.
- Sets an effective date of September 1, 2005, to allow school boards and private schools to revise policies, curriculum, etc. for the 2005-2006 school year.