

Bill No. SB 2082

Barcode 800086

CHAMBER ACTION

Senate

House

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The Committee on Health Care (Peaden) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Paragraph (h) of subsection (10) of section 1006.20, Florida Statutes, as created by SB 1982, 2006 Regular Session, is amended to read:

1006.20 Athletics in public K-12 schools.--

(10) RANDOM DRUG TESTING PROGRAM.--

(h) The following due process shall be afforded each student who tests positive in a test administered under this subsection:

1. The member school may challenge a positive finding and must challenge a positive finding at the request of the student. A sample of the original specimen provided by the student and retained by the testing agency shall be analyzed. The member school or the student's parent shall pay the cost of the analysis. If the analysis results in a positive

Bill No. SB 2082

Barcode 800086

1 finding, the student shall remain ineligible until the
2 prescribed penalty is fulfilled. If the analysis results in a
3 negative finding, the organization shall immediately restore
4 the eligibility of the student and shall refund to the member
5 school or student's parent the cost of the analysis. The
6 student shall remain suspended from interscholastic athletic
7 practice and competition during the challenge.

8 2.a. A member school may appeal to the organization's
9 commissioner the period of ineligibility imposed on a student
10 as a result of a positive finding and must appeal at the
11 request of the student. The commissioner may require the
12 student to complete the prescribed penalty, reduce the
13 prescribed penalty by one-half, or provide complete relief
14 from the prescribed penalty. Regardless of the decision of the
15 commissioner, the student shall remain ineligible until the
16 student tests negative on the mandatory exit test and the
17 student's eligibility is restored by the organization.

18 b. Should the school or student be dissatisfied with
19 the decision of the commissioner, the school may pursue the
20 appeal before the organization's board of directors and must
21 do so at the request of the student. The board of directors
22 may require the student to complete the prescribed penalty,
23 reduce the prescribed penalty by one-half, or provide complete
24 relief from the prescribed penalty. Regardless of the decision
25 of the board of directors, the student shall remain ineligible
26 until the student tests negative on the mandatory exit test
27 and the student's eligibility is restored by the organization.
28 The decision of the board of directors on each appeal shall be
29 final.

30 c. Technical experts may serve as consultants to both
31 the organization's commissioner and its board of directors in

Bill No. SB 2082

Barcode 800086

1 connection with such appeals.

2 3. The meeting at which a challenge or an appeal to
3 the findings of a student's drug test under this paragraph is
4 exempt from s. 286.011 and s. 24(b), Art. I of the State
5 Constitution. This subparagraph is subject to the Open
6 Government Sunset Review Act in accordance with s. 119.15 and
7 shall stand repealed on October 2, 2011, unless reviewed and
8 saved from repeal through reenactment by the Legislature.

9 Section 2. The Legislature finds that it is a public
10 necessity that a meeting at which a challenge to a positive
11 finding is made or an appeal is made to the Florida High
12 School Athletic Association's commissioner or board of
13 directors regarding the period of student ineligibility,
14 pursuant to s. 1006.20(10), Florida Statutes, be made exempt
15 from public-meetings requirements. The Legislature finds that
16 the exemption of these proceedings from public-meetings
17 requirements minimizes the possibility of unnecessary scrutiny
18 by the public or media of sensitive, personal information
19 concerning a student. Furthermore, without such exemption,
20 release of confidential and exempt information via a public
21 meeting defeats the purpose of the public-records exemption
22 for student records in s. 1002.22.

23 Section 3. This act shall take effect on the same date
24 that SB 1982 or similar legislation takes effect, if such
25 legislation is adopted in the same legislative session or an
26 extension thereof and becomes law.

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29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 Delete everything before the enacting clause

Bill No. SB 2082

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1 and insert:

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A bill to be entitled
An act relating to public meetings; amending s.
1006.20, F.S.; exempting from public-meetings
requirements a meeting at which a challenge or
an appeal is made; providing for future review
and repeal; providing a statement of public
necessity; providing a contingent effective
date.