

1 participation numbers reported to the organization during the
2 preceding academic year, shall be randomly selected to undergo
3 a test in each year of the program.

4 3. Each member school shall report to the organization
5 each year the names of students who will represent the school
6 in interscholastic athletics during that year. A student shall
7 not be eligible to participate in interscholastic athletics in
8 a member school until the student's name has been reported to
9 the organization by the school in the year in which such
10 participation is to occur.

11 4. Each year, the organization shall provide to the
12 testing agency all names of students that are submitted by its
13 member schools. The testing agency shall make its random
14 selections for testing from these names.

15 5. The testing agency shall notify not fewer than 7
16 days in advance both the administration of a school and the
17 organization of the date on which its representatives will be
18 present at the school to collect a specimen from a randomly
19 selected student. However, the name of the student from which
20 a specimen is to be collected shall not be disclosed.

21 6. The finding of a drug test shall be separate from a
22 student's educational records and shall be disclosed by the
23 testing agency only to the organization, the student, the
24 student's parent, the administration of the student's school,
25 and the administration of any school to which the student may
26 transfer during a suspension from participation in
27 interscholastic athletics resulting from a positive finding.
28 The finding of each drug test held by a school or the
29 organization is confidential and exempt from s. 119.07(1) and
30 s. 24(a), Art. I of the State Constitution. This subparagraph
31 is subject to the Open Government Sunset Review Act in

1 accordance with s. 119.15 and shall stand repealed on October
2 2, 2011, unless reviewed and saved from repeal through
3 reenactment by the Legislature.

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

7 1. The member school may challenge a positive finding
8 and must challenge a positive finding at the request of the
9 student. A sample of the original specimen provided by the
10 student and retained by the testing agency shall be analyzed.
11 The member school or the student's parent shall pay the cost
12 of the analysis. If the analysis results in a positive
13 finding, the student shall remain ineligible until the
14 prescribed penalty is fulfilled. If the analysis results in a
15 negative finding, the organization shall immediately restore
16 the eligibility of the student and shall refund to the member
17 school or student's parent the cost of the analysis. The
18 student shall remain suspended from interscholastic athletic
19 practice and competition during the challenge.

20 2.a. A member school may appeal to the organization's
21 commissioner the period of ineligibility imposed on a student
22 as a result of a positive finding and must appeal at the
23 request of the student. The commissioner may require the
24 student to complete the prescribed penalty, reduce the
25 prescribed penalty by one-half, or provide complete relief
26 from the prescribed penalty. Regardless of the decision of the
27 commissioner, the student shall remain ineligible until the
28 student tests negative on the mandatory exit test and the
29 student's eligibility is restored by the organization.

30 b. Should the school or student be dissatisfied with
31 the decision of the commissioner, the school may pursue the

1 | appeal before the organization's board of directors and must
2 | do so at the request of the student. The board of directors
3 | may require the student to complete the prescribed penalty,
4 | reduce the prescribed penalty by one-half, or provide complete
5 | relief from the prescribed penalty. Regardless of the decision
6 | of the board of directors, the student shall remain ineligible
7 | until the student tests negative on the mandatory exit test
8 | and the student's eligibility is restored by the organization.
9 | The decision of the board of directors on each appeal shall be
10 | final.

11 | c. Technical experts may serve as consultants to both
12 | the organization's commissioner and its board of directors in
13 | connection with such appeals.

14 | 3. The challenge and appeal procedures described in
15 | this paragraph are exempt from s. 286.011 and s. 24(b), Art. I
16 | of the State Constitution. This subparagraph is subject to the
17 | Open Government Sunset Review Act in accordance with s. 119.15
18 | and shall stand repealed on October 2, 2011, unless reviewed
19 | and saved from repeal through reenactment by the Legislature.

20 | Section 2. The Legislature finds that it is a public
21 | necessity that the finding of a drug test administered by a
22 | testing agency with which the Florida High School Athletic
23 | Association has contracted which has been disclosed to the
24 | association or the administration of a school, pursuant to s.
25 | 1006.20(10), Florida Statutes, be made confidential and exempt
26 | from public records requirements. The Legislature finds that
27 | harm caused by releasing such information outweighs any public
28 | benefit that might be derived from releasing the information.
29 | Such information is of a sensitive and personal nature, could
30 | be used to discriminate against a student, and could cause
31 | harm to a student's reputation. The Legislature further finds

1 that it is a public necessity that a meeting at which a
2 challenge to a positive finding is made or an appeal is made
3 to the Florida High School Athletic Association's commissioner
4 or board of directors regarding the period of student
5 ineligibility, pursuant to s. 1006.20(10), Florida Statutes,
6 be made exempt from public meetings requirements. The
7 Legislature finds that the exemption of these proceedings from
8 public meetings requirements minimizes the possibility of
9 unnecessary scrutiny by the public or media of sensitive,
10 personal information concerning a student. Furthermore,
11 without such exemption, release of confidential and exempt
12 information via a public meeting defeats the purpose of the
13 public records exemption.

14 Section 3. This act shall take effect on the same date
15 that SB ____ or similar legislation takes effect, if such
16 legislation is adopted in the same legislative session or an
17 extension thereof and becomes law.

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