

By the Committee on Health Care; and Senator Peaden

587-2464-06

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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.

Be It Enacted by the Legislature of the State of Florida:

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 finding, the student shall remain ineligible until the prescribed penalty is fulfilled. If the analysis results in a negative finding, the organization shall immediately restore the eligibility of the student and shall refund to the member school or student's parent the cost of the analysis. The

1 student shall remain suspended from interscholastic athletic
2 practice and competition during the challenge.

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

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

25 c. Technical experts may serve as consultants to both
26 the organization's commissioner and its board of directors in
27 connection with such appeals.

28 3. The meeting at which a challenge or an appeal to
29 the findings of a student's drug test under this paragraph is
30 discussed is exempt from s. 286.011 and s. 24(b), Art. I of
31 the State Constitution. This subparagraph is subject to the

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

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

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

22
23 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
24 COMMITTEE SUBSTITUTE FOR
25 Senate Bill 2082

26 The committee substitute narrows the public records and
27 meetings exemption in the original bill to an exemption from
28 the Public Meetings Law for meetings at which a challenge or
29 an appeal to the findings of a student's drug test as
30 described in the bill relating to the drug testing of certain
31 high school students is discussed.