

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

.

---

1 Representative(s) Arza offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove line(s) 119-267 and insert:

5 football, baseball, girls' softball, and weightlifting governed  
6 by the organization shall be subject to random testing for the  
7 use of anabolic steroids as defined in s. 893.03(3)(d). All  
8 schools, both public and private, shall consent to the  
9 provisions of this subsection as a prerequisite for membership  
10 in the organization for the duration of the program.

11 (b) The organization's board of directors shall establish  
12 procedures for the conduct of the program that, at a minimum,  
13 shall provide for the following:

14 1. The organization shall select and enter into a contract  
15 with a testing agency that will administer the testing program.  
16 The laboratory utilized by the testing agency to analyze  
17 specimens shall be accredited by the World Anti-Doping Agency.

411517

4/18/2006 6:45:13 PM

Amendment No. (for drafter's use only)

18        2. A maximum of 1 percent of the total students who  
19 participate in postseason competition in football, baseball,  
20 girls' softball, and weightlifting shall be randomly selected to  
21 undergo a test.

22        3. Each member school shall report to the organization the  
23 names of students who will represent the school in football,  
24 baseball, girls' softball, and weightlifting. A student shall  
25 not be eligible to participate in interscholastic athletics in  
26 any of these sports in a member school until the student's name  
27 has been reported to the organization.

28        4. The organization shall provide to the testing agency  
29 all names of students that are submitted by its member schools.  
30 The testing agency shall make its random selections for testing  
31 from these names.

32        5. The testing agency shall notify not fewer than 7 days  
33 in advance both the administration of a school and the  
34 organization of the date on which its representatives will be  
35 present at the school to collect a specimen from a randomly  
36 selected student. However, the name of the student from which a  
37 specimen is to be collected shall not be disclosed.

38        6. The finding of a drug test shall be separate from a  
39 student's educational records and shall be disclosed by the  
40 testing agency only to the organization, the student, the  
41 student's parent, the administration of the student's school,  
42 and the administration of any school to which the student may  
43 transfer during a suspension from participation in  
44 interscholastic athletics resulting from a positive finding.

45        (c) Each student who wishes to participate in football,  
46 baseball, girls' softball, or weightlifting and his or her

411517

4/18/2006 6:45:13 PM

Amendment No. (for drafter's use only)

47 parent must consent to the provisions of this subsection as a  
48 prerequisite for athletic eligibility. This consent shall be in  
49 writing on a form prescribed by the organization and provided to  
50 the student by his or her school. Failure to complete and sign  
51 the consent form shall result in the student's ineligibility to  
52 participate in all interscholastic athletics. The consent form  
53 shall include the following information:

54 1. A brief description of the drug testing program.

55 2. The penalties for a positive finding.

56 3. The procedure for challenging a positive finding.

57 4. The procedure for appealing a prescribed penalty.

58 (d) A student who is selected for testing and fails to  
59 provide a specimen shall be immediately suspended from  
60 interscholastic athletic practice and competition until such  
61 time as a specimen is provided.

62 (e) If a student tests positive in a test administered  
63 under this subsection, the administration of the school the  
64 student attends shall immediately:

65 1. Suspend the student from participation in all  
66 interscholastic athletic practice and competition.

67 2. Notify and schedule a meeting with the student and his  
68 or her parent during which the principal or his or her designee  
69 shall review with them the positive finding, the procedure for  
70 challenging the positive finding, the prescribed penalties, and  
71 the procedure for appealing the prescribed penalties.

72 (f) For a positive finding, the student shall be suspended  
73 from all interscholastic athletic practice and competition for a  
74 period of 90 school days and shall be subject to a mandatory  
75 exit test for restoration of eligibility no sooner than the 60th

411517

4/18/2006 6:45:13 PM

Amendment No. (for drafter's use only)

76 school day of the suspension. If the exit test is negative, the  
77 organization shall restore the eligibility of the student at the  
78 conclusion of the 90-school-day period of suspension. If the  
79 exit test is positive, the student shall remain suspended from  
80 all interscholastic athletic practice and competition until such  
81 time as a subsequent retest of the student results in a negative  
82 finding. The student shall be subject to repeated tests for the  
83 duration of his or her high school athletic eligibility.

84 (g) In addition to the penalties prescribed in paragraph  
85 (f), a student who tests positive in a test administered under  
86 this subsection shall attend and complete an appropriate  
87 mandatory drug education program conducted by the student's  
88 school, the student's school district, or a third-party  
89 organization contracted by the school or school district to  
90 conduct such an education program.

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

94 1. The member school may challenge a positive finding and  
95 must challenge a positive finding at the request of the student.  
96 A sample of the original specimen provided by the student and  
97 retained by the testing agency shall be analyzed. The member  
98 school or the student's parent shall pay the cost of the  
99 analysis. If the analysis results in a positive finding, the  
100 student shall remain ineligible until the prescribed penalty is  
101 fulfilled. If the analysis results in a negative finding, the  
102 organization shall immediately restore the eligibility of the  
103 student and shall refund to the member school or student's  
104 parent the cost of the analysis. The student shall remain

411517

4/18/2006 6:45:13 PM

Amendment No. (for drafter's use only)

105 suspended from interscholastic athletic practice and competition  
106 during the challenge.

107 2.a. A member school may appeal to the organization's  
108 commissioner the period of ineligibility imposed on a student as  
109 a result of a positive finding and must appeal at the request of  
110 the student. The commissioner may require the student to  
111 complete the prescribed penalty, reduce the prescribed penalty  
112 by one-half, or provide complete relief from the prescribed  
113 penalty. Regardless of the decision of the commissioner, the  
114 student shall remain ineligible until the student tests negative  
115 on the mandatory exit test and the student's eligibility is  
116 restored by the organization.

117 b. Should the school or student be dissatisfied with the  
118 decision of the commissioner, the school may pursue the appeal  
119 before the organization's board of directors and must do so at  
120 the request of the student. The board of directors may require  
121 the student to complete the prescribed penalty, reduce the  
122 prescribed penalty by one-half, or provide complete relief from  
123 the prescribed penalty. Regardless of the decision of the board  
124 of directors, the student shall remain ineligible until the  
125 student tests negative on the mandatory exit test and the  
126 student's eligibility is restored by the organization. The  
127 decision of the board of directors on each appeal shall be  
128 final.

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

132 (i) No later than October 1, 2007, the organization shall  
133 submit to the President of the Senate and the Speaker of the  
411517

4/18/2006 6:45:13 PM

Amendment No. (for drafter's use only)

134 House of Representatives a report on the results of the program.  
 135 The report shall include statistics on the number of students  
 136 tested; the number of violations; the number of challenges and  
 137 their results; the number of appeals and their dispositions; and  
 138 the costs incurred by the organization in the administration of  
 139 the program, including attorney's fees and other expenses of  
 140 litigation.

141 (j) The organization, members of its board of directors,  
 142 and its employees and member schools and their employees are  
 143 exempt from civil liability arising from any act or omission in  
 144 connection with the program conducted under this subsection. The  
 145 Department of Legal Affairs shall defend the organization,  
 146 members of its board of directors, and its employees and member  
 147 schools and their employees in any action against such parties  
 148 arising from any such act or omission. In providing such  
 149 defense, the Department of Legal Affairs may employ or utilize  
 150 the legal services of outside counsel.

151 (k) The program shall be conducted to the extent funded by  
 152 the Legislature. In order to conduct the program within  
 153 appropriated funds, the organization is authorized to implement  
 154 the program in only one, two, or three of the named sports. All  
 155 expenses

156  
 157 ===== T I T L E A M E N D M E N T =====

158 Remove line(s) 20 and insert:  
 159 postseason competition in football, baseball, girls' softball,  
 160 and