

1 A bill to be entitled

2 An act relating to interscholastic athletics; requiring  
3 the Florida High School Athletic Association to hold  
4 certain bylaws in abeyance; providing for creation of a  
5 task force to review student athlete recruiting issues;  
6 providing for task force membership and duties; requiring  
7 recommendations to the Governor and the Legislature;  
8 requiring the Office of Program Policy Analysis and  
9 Government Accountability to conduct a review of  
10 recruiting violations by Florida High School Athletic  
11 Association member schools; providing an appropriation;  
12 amending s. 1006.20, F.S.; requiring the Florida High  
13 School Athletic Association to facilitate a 1-year drug  
14 testing program to randomly test for anabolic steroid use  
15 by students in grades 9 through 12 who participate in  
16 postseason competition in football, baseball, girls'  
17 softball, and weightlifting in its member schools;  
18 requiring schools to consent to the provisions of the  
19 program as a prerequisite for membership in the  
20 organization; requiring the organization to establish  
21 procedures for the conduct of the program, including  
22 contracting with a testing agency to administer the  
23 program; providing that the finding of a drug test shall  
24 be separate from a student's educational records;  
25 providing for disclosure; requiring students and their  
26 parents to consent to the provisions of the program as a  
27 prerequisite for eligibility to participate in

28 interscholastic athletics; providing penalties for  
29 students selected for testing who fail to provide a  
30 specimen; requiring the administration of a school to meet  
31 with a student who tests positive and his or her parent to  
32 review the finding, penalties, and procedure for challenge  
33 and appeal; providing penalties for positive findings;  
34 providing due process procedures for challenge and appeal;  
35 requiring the organization to provide a report to the  
36 Legislature on the results of the program; providing an  
37 exemption from civil liability resulting from  
38 implementation of the program; requiring the Department of  
39 Legal Affairs to provide defense in claims of civil  
40 liability; requiring program expenses to be paid through  
41 legislative appropriation; providing for expiration of the  
42 program; providing an effective date.

43  
44 Be It Enacted by the Legislature of the State of Florida:

45  
46 Section 1. (1) The Florida High School Athletic  
47 Association shall, until July 1, 2007, hold in abeyance the  
48 2006-2007 revisions to sections 11.01, 11.02, 11.2, 11.3, and  
49 11.4, Bylaws of the Florida High School Athletic Association,  
50 relating to student athlete residence and transfer, adopted  
51 pursuant to s. 1006.20, Florida Statutes.

52 (2) A Student Athlete Recruiting Task Force shall be  
53 created to review issues concerning recruiting of secondary  
54 school student athletes. The task force shall make

55 | recommendations that preserve the parental right to school  
56 | choice while protecting the integrity of Florida's  
57 | interscholastic athletic programs. The task force shall  
58 | consider:

59 |     (a) The definition of recruiting.

60 |     (b) Current and proposed procedures governing recruiting  
61 | of secondary school student athletes.

62 |     (c) Documented past recruiting practices and violations.  
63 | Practices to be reviewed shall include, but not be limited to,  
64 | the provision of tuition scholarships and other inducements,  
65 | recruitment of foreign athletes, and active solicitation of  
66 | student athletes and parents by school employees or boosters.

67 |     (d) The impact of student athlete recruiting rules on  
68 | parental school choice.

69 |     (e) The relationship between student athlete transfers and  
70 | recruiting, including the role of student athlete transfer rules  
71 | in preventing recruiting.

72 |     (f) Measures for preventing improper student athlete  
73 | recruiting and penalties for recruiting violations.

74 |     (g) Policies to allow students attending private schools  
75 | that do not have athletic programs to participate in the  
76 | athletic programs at their assigned public school.

77 |     (3) The task force shall be comprised of representatives  
78 | from home school and public and private secondary school  
79 | proponents and opponents of the 2006-2007 revisions to the  
80 | bylaws specified in subsection (1). The task force members shall  
81 | be appointed as follows:

82        (a) Three proponents of the bylaws and three opponents of  
 83 the bylaws each appointed by the President of the Senate.

84        (b) Three proponents of the bylaws and three opponents of  
 85 the bylaws each appointed by the Speaker of the House of  
 86 Representatives.

87        (c) A task force chair appointed by the Governor.

88        (4) Task force members shall serve without compensation  
 89 but shall be reimbursed for per diem and travel expenses in  
 90 accordance with s. 112.061, Florida Statutes.

91        (5) The task force shall be staffed by the Office of  
 92 Program Policy Analysis and Government Accountability and be  
 93 monitored by the Department of Education. The chair shall  
 94 convene meetings of the task force as needed and shall ensure  
 95 that the recommendations are completed and forwarded on time.

96        (6) The task force shall hold its initial meeting not  
 97 later than June 1, 2006, and shall submit its recommendations to  
 98 the Governor, the President of the Senate, and the Speaker of  
 99 the House of Representatives by January 1, 2007. The task force  
 100 shall dissolve upon rendering its recommendations.

101        Section 2. The Office of Program Policy Analysis and  
 102 Government Accountability shall conduct an independent review of  
 103 secondary school recruiting violations among Florida High School  
 104 Athletic Association member schools and shall have full access  
 105 to Florida High School Athletic Association records for the  
 106 purpose of this review.

107        Section 3. The sum of \$60,000 is appropriated from the  
 108 General Revenue Fund to the Office of Program Policy Analysis

109 and Government Accountability for the 2006-2007 fiscal year to  
110 support the work of the Student Athlete Recruiting Task Force.

111 Section 4. Subsection (10) is added to section 1006.20,  
112 Florida Statutes, to read:

113 1006.20 Athletics in public K-12 schools.--

114 (10) RANDOM DRUG TESTING PROGRAM.--

115 (a) Contingent upon funding, and to the degree funded, the  
116 organization shall facilitate a 1-year program during the 2006-  
117 2007 academic year in which students in grades 9 through 12 in  
118 its member schools who participate in postseason competition in  
119 football, baseball, girls' softball, and weightlifting governed  
120 by the organization shall be subject to random testing for the  
121 use of anabolic steroids as defined in s. 893.03(3)(d). All  
122 schools, both public and private, shall consent to the  
123 provisions of this subsection as a prerequisite for membership  
124 in the organization for the duration of the program.

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

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

132 2. A maximum of 1 percent of the total students who  
133 participate in postseason competition in football, baseball,  
134 girls' softball, and weightlifting shall be randomly selected to  
135 undergo a test.

136       3. Each member school shall report to the organization the  
137 names of students who will represent the school in football,  
138 baseball, girls' softball, and weightlifting. A student shall  
139 not be eligible to participate in interscholastic athletics in  
140 any of these sports in a member school until the student's name  
141 has been reported to the organization.

142       4. The organization shall provide to the testing agency  
143 all names of students that are submitted by its member schools.  
144 The testing agency shall make its random selections for testing  
145 from these names.

146       5. The testing agency shall notify not fewer than 7 days  
147 in advance both the administration of a school and the  
148 organization of the date on which its representatives will be  
149 present at the school to collect a specimen from a randomly  
150 selected student. However, the name of the student from which a  
151 specimen is to be collected shall not be disclosed.

152       6. The finding of a drug test shall be separate from a  
153 student's educational records and shall be disclosed by the  
154 testing agency only to the organization, the student, the  
155 student's parent, the administration of the student's school,  
156 and the administration of any school to which the student may  
157 transfer during a suspension from participation in  
158 interscholastic athletics resulting from a positive finding.

159       (c) Each student who wishes to participate in football,  
160 baseball, girls' softball, or weightlifting and his or her  
161 parent must consent to the provisions of this subsection as a  
162 prerequisite for athletic eligibility. This consent shall be in

163 writing on a form prescribed by the organization and provided to  
164 the student by his or her school. Failure to complete and sign  
165 the consent form shall result in the student's ineligibility to  
166 participate in all interscholastic athletics. The consent form  
167 shall include the following information:

- 168 1. A brief description of the drug testing program.
- 169 2. The penalties for a positive finding.
- 170 3. The procedure for challenging a positive finding.
- 171 4. The procedure for appealing a prescribed penalty.

172 (d) A student who is selected for testing and fails to  
173 provide a specimen shall be immediately suspended from  
174 interscholastic athletic practice and competition until such  
175 time as a specimen is provided.

176 (e) If a student tests positive in a test administered  
177 under this subsection, the administration of the school the  
178 student attends shall immediately:

- 179 1. Suspend the student from participation in all  
180 interscholastic athletic practice and competition.
- 181 2. Notify and schedule a meeting with the student and his  
182 or her parent during which the principal or his or her designee  
183 shall review with them the positive finding, the procedure for  
184 challenging the positive finding, the prescribed penalties, and  
185 the procedure for appealing the prescribed penalties.

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

190 school day of the suspension. If the exit test is negative, the  
191 organization shall restore the eligibility of the student at the  
192 conclusion of the 90-school-day period of suspension. If the  
193 exit test is positive, the student shall remain suspended from  
194 all interscholastic athletic practice and competition until such  
195 time as a subsequent retest of the student results in a negative  
196 finding. The student shall be subject to repeated tests for the  
197 duration of his or her high school athletic eligibility.

198 (g) In addition to the penalties prescribed in paragraph  
199 (f), a student who tests positive in a test administered under  
200 this subsection shall attend and complete an appropriate  
201 mandatory drug education program conducted by the student's  
202 school, the student's school district, or a third-party  
203 organization contracted by the school or school district to  
204 conduct such an education program.

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

208 1. The member school may challenge a positive finding and  
209 must challenge a positive finding at the request of the student.  
210 A sample of the original specimen provided by the student and  
211 retained by the testing agency shall be analyzed. The member  
212 school or the student's parent shall pay the cost of the  
213 analysis. If the analysis results in a positive finding, the  
214 student shall remain ineligible until the prescribed penalty is  
215 fulfilled. If the analysis results in a negative finding, the  
216 organization shall immediately restore the eligibility of the



217 student and shall refund to the member school or student's  
218 parent the cost of the analysis. The student shall remain  
219 suspended from interscholastic athletic practice and competition  
220 during the challenge.

221 2.a. A member school may appeal to the organization's  
222 commissioner the period of ineligibility imposed on a student as  
223 a result of a positive finding and must appeal at the request of  
224 the student. The commissioner may require the student to  
225 complete the prescribed penalty, reduce the prescribed penalty  
226 by one-half, or provide complete relief from the prescribed  
227 penalty. Regardless of the decision of the commissioner, the  
228 student shall remain ineligible until the student tests negative  
229 on the mandatory exit test and the student's eligibility is  
230 restored by the organization.

231 b. Should the school or student be dissatisfied with the  
232 decision of the commissioner, the school may pursue the appeal  
233 before the organization's board of directors and must do so at  
234 the request of the student. The board of directors may require  
235 the student to complete the prescribed penalty, reduce the  
236 prescribed penalty by one-half, or provide complete relief from  
237 the prescribed penalty. Regardless of the decision of the board  
238 of directors, the student shall remain ineligible until the  
239 student tests negative on the mandatory exit test and the  
240 student's eligibility is restored by the organization. The  
241 decision of the board of directors on each appeal shall be  
242 final.

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

246 (i) No later than October 1, 2007, the organization shall  
247 submit to the President of the Senate and the Speaker of the  
248 House of Representatives a report on the results of the program.  
249 The report shall include statistics on the number of students  
250 tested; the number of violations; the number of challenges and  
251 their results; the number of appeals and their dispositions; and  
252 the costs incurred by the organization in the administration of  
253 the program, including attorney's fees and other expenses of  
254 litigation.

255 (j) The organization, members of its board of directors,  
256 and its employees and member schools and their employees are  
257 exempt from civil liability arising from any act or omission in  
258 connection with the program conducted under this subsection. The  
259 Department of Legal Affairs shall defend the organization,  
260 members of its board of directors, and its employees and member  
261 schools and their employees in any action against such parties  
262 arising from any such act or omission. In providing such  
263 defense, the Department of Legal Affairs may employ or utilize  
264 the legal services of outside counsel.

265 (k) The program shall be conducted to the extent funded by  
266 the Legislature. In order to conduct the program within  
267 appropriated funds, the organization is authorized to implement  
268 the program in only one, two, or three of the named sports. All  
269 expenses of the program shall be paid with funds appropriated by

270 | the Legislature. Such expenses shall include, but not be limited  
271 | to, all fees and expenses charged by the testing agency for  
272 | administrative services, specimen collection services, and  
273 | specimen analysis; all administrative expenses incurred by the  
274 | organization in the facilitation of the program; and all  
275 | attorney's fees and other expenses of litigation resulting from  
276 | legal challenges related to the program.

277 | (1) The provisions of this subsection shall expire on June  
278 | 30, 2007, or at such earlier date as appropriated funds are  
279 | exhausted.

280 | Section 5. This act shall take effect upon becoming a law.