

Bill No. SB 2200

Barcode 533916

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Villalobos) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Subsection (10) is added to section 1006.20, Florida Statutes, to read:

1006.20 Athletics in public K-12 schools.--

(10) RANDOM-DRUG TESTING PROGRAM.--

(a) Contingent upon funding, and to the extent funded, the organization shall implement a 1-year program during the 2007-2008 academic year which randomly tests students in member schools in grades 9 through 12 who participate in regular and postseason football, baseball, or weightlifting competition governed by the organization for the use of anabolic steroids as defined in s. 893.03(3)(d). All member schools, both public and private, shall consent to the provisions of this subsection as a prerequisite for membership in the organization for the duration of the drug-testing

1 program.

2 (b) The organization's board of directors shall  
3 establish procedures for conducting the testing program which,  
4 at a minimum, provide for the following:

5 1. The organization shall select and enter into a  
6 contract with a testing agency to administer the testing  
7 program. The laboratory used by the testing agency to analyze  
8 specimens must be accredited by the World Anti-Doping Agency.

9 2. Each member school shall identify and submit to the  
10 organization the names of all students who will be  
11 representing the school in football, baseball, and  
12 weightlifting during 2007-2008 academic year. A student may  
13 not participate in the member school's interscholastic  
14 athletics in these sports until the student's name has been  
15 reported to the organization by the school.

16 3. The organization shall provide the names of all the  
17 students submitted by its member schools to the testing  
18 agency. A maximum of 1 percent of the names submitted shall be  
19 randomly selected by the testing agency for testing.

20 4. The testing agency shall notify the administration  
21 of a school and the organization within 7 days prior to the  
22 date that the testing agency or its representatives will be at  
23 the school to collect a specimen from a randomly selected  
24 student. However, the name of the student from whom a specimen  
25 is to be collected may not be disclosed.

26 5. Records relating to drug tests under this  
27 subsection and to any subsequent challenge and appeal  
28 proceedings under paragraph (f) shall be maintained separately  
29 from a student's educational record.

30 (c) Each student who wishes to participate in  
31 football, baseball, or weightlifting and his or her parent

Bill No. SB 2200

Barcode 533916

1 must provide consent to drug testing under this subsection as  
 2 a prerequisite for athletic eligibility. The consent must be  
 3 in writing on a form prescribed by the organization and  
 4 provided to the student by his or her school. Failure to  
 5 complete and sign the consent form will result in the  
 6 student's ineligibility to participate. The consent form must  
 7 include the following information:

- 8       1. A brief description of the drug-testing program.
- 9       2. The penalties for a positive finding.
- 10       3. The procedure for challenging a positive finding.
- 11       4. The procedure for appealing a prescribed penalty.

12       (d) A student who is selected for testing and fails to  
 13 provide a specimen shall be immediately suspended from  
 14 interscholastic athletic practice and competition until a  
 15 specimen is provided.

16       (e) If a student tests positive in a test administered  
 17 under this subsection, the school the student attends shall  
 18 immediately:

- 19       1. Suspend the student from participation in all  
 20 interscholastic athletic practice and competition.
- 21       2. Notify and schedule a meeting with the student and  
 22 his or her parent during which the principal or his or her  
 23 designee shall review the positive finding, the procedure for  
 24 challenging the positive finding, the prescribed penalties,  
 25 and the procedure for appealing the prescribed penalties.

26       (f) For a positive test finding, the student shall be  
 27 suspended from all interscholastic athletic practice and  
 28 competition for 90 school days and shall be subject to a  
 29 mandatory exit test for restoration of eligibility 60 school  
 30 days after the suspension. If the exit test is negative, the  
 31 organization shall immediately restore the eligibility of the

1 student. If the exit test is positive, the student shall  
 2 remain suspended from all interscholastic athletic practice  
 3 and competition until a subsequent retest of the student  
 4 results in a negative finding. The student shall be subject to  
 5 repeated drug tests for the duration of his or her high school  
 6 athletic eligibility.

7 (g) In addition to the penalties prescribed in  
 8 paragraph (f), a student who tests positive in a test  
 9 administered under this subsection must attend and complete an  
 10 appropriate mandatory drug-education program conducted by the  
 11 student's school, the student's school district, or a  
 12 third-party organization contracted by the school or school  
 13 district to conduct such an education program.

14 (h) The following procedure for challenging a positive  
 15 test result shall be provided to each student who tests  
 16 positive in a test administered under this subsection:

17 1. The member school may challenge a positive finding  
 18 and must challenge a positive finding at the request of the  
 19 student. A sample of the original specimen provided by the  
 20 student and retained by the testing agency must be analyzed.  
 21 The member school or the student's parent shall pay the cost  
 22 of the analysis. If the analysis results in a positive  
 23 finding, the student shall remain ineligible until the  
 24 prescribed penalty is fulfilled. If the analysis results in a  
 25 negative finding, the organization shall immediately restore  
 26 the eligibility of the student and shall refund to the member  
 27 school or student's parent the cost of the analysis. The  
 28 student shall remain suspended from interscholastic athletic  
 29 practice and competition during the challenge.

30 2. The member school may appeal to the organization's  
 31 commissioner the period of ineligibility imposed on a student

Bill No. SB 2200

Barcode 533916

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

9       a. If the member school or student is dissatisfied  
10 with the decision of the commissioner, the school may pursue  
11 the appeal before the organization's board of directors and  
12 must do so at the request of the student. The board of  
13 directors may require the student to complete the prescribed  
14 penalty, reduce the prescribed penalty by one-half, or provide  
15 complete relief from the prescribed penalty. Regardless of the  
16 decision of the board of directors, the student shall remain  
17 ineligible until the student tests negative on an exit drug  
18 test and the student's eligibility is restored by the  
19 organization. The decision of the board of directors on appeal  
20 shall be final.

21       b. Technical experts may serve as consultants to the  
22 organization's commissioner and its board of directors in  
23 connection with appeals.

24       (i) The result of a drug test under this subsection is  
25 not admissible as evidence in a criminal prosecution.

26       (j) By October 1, 2008, the organization shall submit  
27 to the President of the Senate and the Speaker of the House of  
28 Representatives a report on the results of the drug-testing  
29 program. The report must include statistics on the number of  
30 students tested; the number of violations; the number of  
31 challenges and their results; the number of appeals and their

Bill No. SB 2200

Barcode 533916

1 dispositions; and the costs incurred by the organization in  
2 the administration of the program, including attorney's fees  
3 and other expenses of litigation.

4 (k) The organization, members of its board of  
5 directors, and its employees and member schools and their  
6 employees are exempt from civil liability arising from any act  
7 or omission in connection with the testing program conducted  
8 under this subsection. The Department of Legal Affairs shall  
9 defend the organization, members of its board of directors,  
10 and its employees and member schools and their employees in  
11 any action arising from any such act or omission. In providing  
12 such defense, the department may employ or utilize the legal  
13 services of outside counsel.

14 (l) In order to conduct the drug-testing program  
15 within appropriated funds, the organization may limit the  
16 program to only one or two of the named sports. All program  
17 expenses shall be paid with funds appropriated by the  
18 Legislature. Such expenses include, but are not limited to,  
19 all fees and expenses charged by the testing agency for  
20 administrative services, specimen-collection services, and  
21 specimen analysis; all administrative expenses incurred by the  
22 organization to implement the program; and all attorney's fees  
23 and other expenses of litigation resulting from any legal  
24 challenges related to the program.

25 (m) This subsection shall stand repealed on October 2,  
26 2008, unless reviewed and saved from repeal through  
27 reenactment by the Legislature.

28 Section 2. This act shall take effect July 1, 2007.

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Bill No. SB 2200

Barcode 533916

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2 And the title is amended as follows:

3           Delete everything before the enacting clause

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5 and insert:

6                           A bill to be entitled

7           An act relating to high school athletics;

8           amending s. 1006.20, F.S.; requiring the

9           Florida High School Athletic Association to

10          implement a 1-year drug-testing program to

11          randomly test certain students for anabolic

12          steroid use; requiring schools to consent to

13          the provisions of the program as a prerequisite

14          for membership in the organization; requiring

15          the organization to establish procedures for

16          the conduct of the program including

17          contracting with a testing agency to administer

18          the program; providing that records relating to

19          drug tests and challenge and appeal proceedings

20          are maintained separately from a student's

21          educational record; requiring students and

22          their parents to consent to the testing program

23          as a prerequisite for eligibility to

24          participate in specified sports; requiring the

25          school to meet with a student who tests

26          positive and his or her parent to review the

27          test findings, penalties, and procedures for

28          challenge and appeal; providing penalties for

29          positive findings; providing procedures for

30          challenging and appealing the test findings and

31          penalties; providing that the result of a drug

Bill No. SB 2200

Barcode 533916

1 test is not admissible in a criminal  
2 prosecution; requiring a report to the  
3 Legislature on the results of the program;  
4 providing an exemption from civil liability  
5 resulting from implementation of the program;  
6 requiring the Department of Legal Affairs to  
7 provide defense in claims of civil liability;  
8 authorizing athletic organization to reduce the  
9 scope of the program in order to remain within  
10 the legislative appropriation; providing for  
11 repeal of the program; providing an effective  
12 date.

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