

1 A bill to be entitled

2 An act relating to high school athletics; amending s.  
3 1006.20, F.S.; requiring the Florida High School Athletic  
4 Association to facilitate a 1-year drug testing program to  
5 randomly test certain students for anabolic steroid use;  
6 requiring schools to consent to the provisions of the  
7 program as a prerequisite for membership in the  
8 organization; requiring the organization to establish  
9 procedures for the conduct of the program, including  
10 contracting with a testing agency to administer the  
11 program; providing that the finding of a drug test shall  
12 be separate from a student's educational records;  
13 providing for disclosure; requiring students and their  
14 parents to consent to the provisions of the program as a  
15 prerequisite for eligibility to participate in  
16 interscholastic athletics; requiring the administration of  
17 a school to meet with a student who tests positive and his  
18 or her parent to review the finding, penalties, and  
19 procedures for challenge and appeal; providing penalties  
20 for positive findings; providing due process procedures  
21 for challenge and appeal; requiring a report to the  
22 Legislature on the results of the program; providing an  
23 exemption from civil liability resulting from  
24 implementation of the program; requiring the Department of  
25 Legal Affairs to provide defense in claims of civil  
26 liability; requiring program expenses to be paid through  
27 legislative appropriation; providing an effective date.

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29 Be It Enacted by the Legislature of the State of Florida:  
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31 Section 1. Subsection (10) is added to section 1006.20,  
32 Florida Statutes, to read:

33 1006.20 Athletics in public K-12 schools.--

34 (10) RANDOM DRUG TESTING PROGRAM.--

35 (a) Contingent upon funding, and to the extent funded, the  
36 organization shall facilitate a 1-year program during the 2007-  
37 2008 academic year in which students in grades 9 through 12 in  
38 its member schools who participate in regular and postseason  
39 competition in football, baseball, or weightlifting governed by  
40 the organization shall be subject to random testing for the use  
41 of anabolic steroids as defined in s. 893.03(3)(d). All schools,  
42 both public and private, shall consent to the provisions of this  
43 subsection as a prerequisite for membership in the organization  
44 for the duration of the program.

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

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

52 2. Each member school shall report to the organization the  
53 names of all students who will represent the school in football,  
54 baseball, and weightlifting. A student shall not be eligible to  
55 participate in interscholastic athletics in any of these sports  
56 in a member school until the student's name has been reported to

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57 the organization by the school.

58 3. The organization shall provide to the testing agency  
59 all names of students that are submitted by its member schools.  
60 A maximum of 1 percent of the total number of students who  
61 participate in football, baseball, and weightlifting shall be  
62 randomly selected by the testing agency to undergo testing.

63 4. The testing agency shall notify not fewer than 7 days  
64 in advance both the administration of a school and the  
65 organization of the date on which its representatives will be  
66 present at the school to collect a specimen from a randomly  
67 selected student. However, the name of the student from which a  
68 specimen is to be collected shall not be disclosed.

69 5. The finding of a drug test shall be separate from a  
70 student's educational records and shall be disclosed by the  
71 testing agency only to the organization, the student, the  
72 student's parent, the administration of the student's school,  
73 and the administration of any school to which the student may  
74 transfer during a suspension from participation in  
75 interscholastic athletics resulting from a positive finding.

76 (c) Each student who wishes to participate in football,  
77 baseball, or weightlifting and his or her parent must consent to  
78 the provisions of this subsection as a prerequisite for athletic  
79 eligibility. This consent shall be in writing on a form  
80 prescribed by the organization and provided to the student by  
81 his or her school. Failure to complete and sign the consent form  
82 shall result in the student's ineligibility to participate in  
83 all interscholastic athletics. The consent form shall include  
84 the following information:

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

86 2. The penalties for a positive finding.

87 3. The procedure for challenging a positive finding.

88 4. The procedure for appealing a prescribed penalty.

89 (d) A student who is selected for testing and fails to  
90 provide a specimen shall be immediately suspended from  
91 interscholastic athletic practice and competition until such  
92 time as a specimen is provided.

93 (e) If a student tests positive in a test administered  
94 under this subsection, the administration of the school the  
95 student attends shall immediately:

96 1. Suspend the student from participation in all  
97 interscholastic athletic practice and competition.

98 2. Notify and schedule a meeting with the student and his  
99 or her parent during which the principal or his or her designee  
100 shall review with them the positive finding, the procedure for  
101 challenging the positive finding, the prescribed penalties, and  
102 the procedure for appealing the prescribed penalties.

103 (f) For a positive finding, the student shall be suspended  
104 from all interscholastic athletic practice and competition for a  
105 period of 90 school days and shall be subject to a mandatory  
106 exit test for restoration of eligibility no sooner than the 60th  
107 school day of the suspension. If the exit test is negative, the  
108 organization shall immediately restore the eligibility of the  
109 student. If the exit test is positive, the student shall remain  
110 suspended from all interscholastic athletic practice and  
111 competition until such time as a subsequent retest of the  
112 student results in a negative finding. The student shall be

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113 subject to repeated tests for the duration of his or her high  
114 school athletic eligibility.

115 (g) In addition to the penalties prescribed in paragraph  
116 (f), a student who tests positive in a test administered under  
117 this subsection shall attend and complete an appropriate  
118 mandatory drug education program conducted by the student's  
119 school, the student's school district, or a third-party  
120 organization contracted by the school or school district to  
121 conduct such an education program.

122 (h) The following due process shall be afforded each  
123 student who tests positive in a test administered under this  
124 subsection:

125 1. The member school may challenge a positive finding and  
126 must challenge a positive finding at the request of the student.  
127 A sample of the original specimen provided by the student and  
128 retained by the testing agency shall be analyzed. The member  
129 school or the student's parent shall pay the cost of the  
130 analysis. If the analysis results in a positive finding, the  
131 student shall remain ineligible until the prescribed penalty is  
132 fulfilled. If the analysis results in a negative finding, the  
133 organization shall immediately restore the eligibility of the  
134 student and shall refund to the member school or student's  
135 parent the cost of the analysis. The student shall remain  
136 suspended from interscholastic athletic practice and competition  
137 during the challenge.

138 2.a. The member school may appeal to the organization's  
139 commissioner the period of ineligibility imposed on a student as  
140 a result of a positive finding and must appeal at the request of

141 the student. The commissioner may require the student to  
142 complete the prescribed penalty, reduce the prescribed penalty  
143 by one-half, or provide complete relief from the prescribed  
144 penalty.

145 b. Should the member school or student be dissatisfied  
146 with the decision of the commissioner, the school may pursue the  
147 appeal before the organization's board of directors and must do  
148 so at the request of the student. The board of directors may  
149 require the student to complete the prescribed penalty, reduce  
150 the prescribed penalty by one-half, or provide complete relief  
151 from the prescribed penalty. The decision of the board of  
152 directors on each appeal shall be final.

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

156 (i) No later than October 1, 2008, the organization shall  
157 submit to the President of the Senate and the Speaker of the  
158 House of Representatives a report on the results of the program.  
159 The report shall include statistics on the number of students  
160 tested; the number of violations; the number of challenges and  
161 their results; the number of appeals and their dispositions; and  
162 the costs incurred by the organization in the administration of  
163 the program, including attorney's fees and other expenses of  
164 litigation.

165 (j) The organization, members of its board of directors,  
166 and its employees and member schools and their employees are  
167 exempt from civil liability arising from any act or omission in  
168 connection with the program conducted under this subsection. The

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169 Department of Legal Affairs shall defend the organization,  
170 members of its board of directors, and its employees and member  
171 schools and their employees in any action against such parties  
172 arising from any such act or omission. In providing such  
173 defense, the Department of Legal Affairs may employ or utilize  
174 the legal services of outside counsel.

175 (k) The program shall be conducted to the extent funded by  
176 the Legislature. In order to conduct the program within  
177 appropriated funds, the organization is authorized to implement  
178 the program in only one or two of the named sports. All expenses  
179 of the program shall be paid with funds appropriated by the  
180 Legislature. Such expenses shall include, but not be limited to,  
181 all fees and expenses charged by the testing agency for  
182 administrative services, specimen collection services, and  
183 specimen analysis; all administrative expenses incurred by the  
184 organization in the facilitation of the program; and all  
185 attorney's fees and other expenses of litigation resulting from  
186 legal challenges related to the program.

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