

1 A bill to be entitled
 2 An act relating to public records and public meetings
 3 exemptions; amending s. 1006.20, F.S.; exempting from
 4 public records requirements records relating to drug tests
 5 and to challenge and appeal proceedings under the Florida
 6 High School Athletic Association's random drug testing
 7 program; exempting from public meetings requirements the
 8 portions of a meeting at which records relating to drug
 9 tests or to challenge or appeal proceedings will be
 10 discussed; providing for future review and repeal;
 11 providing a statement of public necessity; providing a
 12 contingent effective date.

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

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16 Section 1. Paragraph (b) of subsection (10) of section
 17 1006.20, Florida Statutes, as created by Committee Substitute
 18 for HB 461, 2007 Regular Session, is amended to read:

19 1006.20 Athletics in public K-12 schools.--

20 (10) RANDOM DRUG TESTING PROGRAM.--

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

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

28 2. Each member school shall report to the organization the

29 names of all students who will represent the school in football,
30 baseball, and weightlifting. A student shall not be eligible to
31 participate in interscholastic athletics in any of these sports
32 in a member school until the student's name has been reported to
33 the organization by the school.

34 3. The organization shall provide to the testing agency
35 all names of students that are submitted by its member schools.
36 A maximum of 1 percent of the total number of students who
37 participate in football, baseball, and weightlifting shall be
38 randomly selected by the testing agency to undergo testing.

39 4. The testing agency shall notify not fewer than 7 days
40 in advance both the administration of a school and the
41 organization of the date on which its representatives will be
42 present at the school to collect a specimen from a randomly
43 selected student. However, the name of the student from which a
44 specimen is to be collected shall not be disclosed.

45 5. Records relating to drug tests under this subsection
46 and to the challenge and appeal proceedings under paragraph (h)
47 shall be maintained separately from a student's educational
48 records.

49 6.a. Records relating to drug tests under this subsection
50 and to the challenge or appeal proceedings under paragraph (h)
51 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
52 I of the State Constitution. This subparagraph is subject to the
53 Open Government Sunset Review Act in accordance with s. 119.15
54 and shall stand repealed on October 2, 2012, unless reviewed and
55 saved from repeal through reenactment by the Legislature.

56 b. Information made confidential and exempt under sub-

57 subparagraph a. may only be disclosed to the organization, the
58 student, the student's parent, the administration of the
59 student's school, and the administration of any school to which
60 the student may transfer during a suspension from participation
61 in interscholastic athletics resulting from a positive finding.
62 The entities or persons receiving such information shall
63 maintain the confidential and exempt status of the information.

64 7. The portions of a meeting at which records are
65 presented or discussed that are confidential and exempt under
66 subparagraph 6. are exempt from s. 286.011 and s. 24(b), Art. I
67 of the State Constitution. This subparagraph is subject to the
68 Open Government Sunset Review Act in accordance with s. 119.15
69 and shall stand repealed on October 2, 2012, unless reviewed and
70 saved from repeal through reenactment by the Legislature.

71 Section 2. The Legislature finds that it is a public
72 necessity for the records relating to drug tests administered,
73 and to the challenge or appeal proceedings occurring, under s.
74 1006.20(10), Florida Statutes, to be made confidential and
75 exempt from public records requirements. The Legislature finds
76 that harm caused by releasing such information outweighs any
77 public benefit that might be derived from releasing the
78 information. Such information is of a sensitive and personal
79 nature, could be used to discriminate against a student, and
80 could cause harm to a student's reputation. The Legislature
81 further finds that it is a public necessity for the portions of
82 a meeting at which the records of drug tests or of challenge or
83 appeal proceedings under s. 1006.20(10), Florida Statutes, are
84 presented or discussed to be made exempt from public meetings

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85 requirements. The Legislature finds that the exemption of these
86 proceedings from public meetings requirements minimizes the
87 possibility of unnecessary scrutiny by the public or media of
88 sensitive, personal information concerning a student.
89 Furthermore, without such exemption, release of confidential and
90 exempt information via a public meeting defeats the purpose of
91 the public records exemption.

92 Section 3. This act shall take effect on the same date
93 that Committee Substitute for HB 461 or similar legislation
94 takes effect, if such legislation is adopted in the same
95 legislative session or an extension thereof and becomes law.