

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 records relating to drug tests and  
 12          challenge and appeal proceedings shall be maintained  
 13          separately from a student's educational record; requiring  
 14          students and their parents to consent to the provisions of  
 15          the program as a prerequisite for eligibility to  
 16          participate in specified sports; requiring the  
 17          administration of a school to meet with a student who  
 18          tests positive and his or her parent to review the  
 19          finding, penalties, and procedures for challenge and  
 20          appeal; providing penalties for positive findings;  
 21          providing due process procedures for challenge and appeal;  
 22          requiring a report to the Legislature on the results of  
 23          the program; providing an exemption from civil liability  
 24          resulting from implementation of the program; requiring  
 25          the Department of Legal Affairs to provide defense in  
 26          claims of civil liability; requiring program expenses to  
 27          be paid through legislative appropriation; providing for  
 28          repeal of the program; providing an effective date.  
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30 Be It Enacted by the Legislature of the State of Florida:

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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 facilitate a 1-year program during the 2007-2008 academic year in which students in grades 9 through 12 in its member schools who participate in regular and postseason competition in football, baseball, or weightlifting governed by the organization shall be subject to random testing for the use of anabolic steroids as defined in s. 893.03(3)(d). All 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 program.

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

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

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

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

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

70 5. Records relating to drug tests under this subsection and  
 71 to the challenge and appeal proceedings under paragraph (h) shall  
 72 be maintained separately from a student's educational record.

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

- 82 1. A brief description of the drug testing program.
- 83 2. The penalties for a positive finding.
- 84 3. The procedure for challenging a positive finding.
- 85 4. The procedure for appealing a prescribed penalty.

86 (d) A student who is selected for testing and fails to  
 87 provide a specimen shall be immediately suspended from

88 interscholastic athletic practice and competition until such time  
 89 as a specimen is provided.

90 (e) If a student tests positive in a test administered  
 91 under this subsection, the administration of the school the  
 92 student attends shall immediately:

93 1. Suspend the student from participation in all  
 94 interscholastic athletic practice and competition.

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

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

112 (g) In addition to the penalties prescribed in paragraph  
 113 (f), a student who tests positive in a test administered under  
 114 this subsection shall attend and complete an appropriate  
 115 mandatory drug education program conducted by the student's  
 116 school, the student's school district, or a third-party

117 organization contracted by the school or school district to  
 118 conduct such an education program.

119 (h) The following due process shall be afforded each  
 120 student who tests positive in a test administered under this  
 121 subsection:

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

135 2.a. The member school may appeal to the organization's  
 136 commissioner the period of ineligibility imposed on a student as  
 137 a result of a positive finding and must appeal at the request of  
 138 the student. The commissioner may require the student to complete  
 139 the prescribed penalty, reduce the prescribed penalty by one-  
 140 half, or provide complete relief from the prescribed penalty.  
 141 Regardless of the decision of the commissioner, the student shall  
 142 remain ineligible until the student tests negative on an exit  
 143 drug test and the student's eligibility is restored by the  
 144 organization.

145 b. Should the member school or student be dissatisfied with

146 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. Regardless of the decision of the  
 152 board of directors, the student shall remain ineligible until the  
 153 student tests negative on an exit drug test and the student's  
 154 eligibility is restored by the organization. The decision of the  
 155 board of directors on each appeal shall be final.

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

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

168 (j) The organization, members of its board of directors,  
 169 and its employees and member schools and their employees are  
 170 exempt from civil liability arising from any act or omission in  
 171 connection with the program conducted under this subsection. The  
 172 Department of Legal Affairs shall defend the organization,  
 173 members of its board of directors, and its employees and member  
 174 schools and their employees in any action against such parties

175 arising from any such act or omission. In providing such defense,  
 176 the Department of Legal Affairs may employ or utilize the legal  
 177 services of outside counsel.

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

190 (l) This subsection shall stand repealed on October 2,  
 191 2008, unless reviewed and saved from repeal through reenactment  
 192 by the Legislature.

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