

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 for  
 18           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 all  
 35 | names of students that are submitted by its member schools. A  
 36 | 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 in  
 40 | advance both the administration of a school and the organization  
 41 | of the date on which its representatives will be present at the  
 42 | school to collect a specimen from a randomly selected student.  
 43 | However, the name of the student from which a specimen is to be  
 44 | collected shall not be disclosed.

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

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 53 | and shall stand repealed on October 2, 2012, unless reviewed and  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

55 |         b. Information made confidential and exempt under sub-  
 56 | subparagraph a. may only be disclosed to the organization, the  
 57 | student, the student's parent, the administration of the  
 58 | student's school, and the administration of any school to which

59 the student may transfer during a suspension from participation  
 60 in interscholastic athletics resulting from a positive finding.  
 61 The entities or persons receiving such information shall maintain  
 62 the confidential and exempt status of the information.

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 68 repealed on October 2, 2012, unless reviewed and saved from  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

70 Section 2. The Legislature finds that it is a public  
 71 necessity for the records relating to drug tests administered,  
 72 and to the challenge or appeal proceedings occurring, under s.  
 73 1006.20(10), Florida Statutes, to be made confidential and exempt  
 74 from public records requirements. The Legislature finds that harm  
 75 caused by releasing such information outweighs any public benefit  
 76 that might be derived from releasing the information. Such  
 77 information is of a sensitive and personal nature, could be used  
 78 to discriminate against a student, and could cause harm to a  
 79 student's reputation. The Legislature further finds that it is a  
 80 public necessity for the portions of a meeting at which the  
 81 records of drug tests or of challenge or appeal proceedings under  
 82 s. 1006.20(10), Florida Statutes, are presented or discussed to  
 83 be made exempt from public meetings requirements. The Legislature  
 84 finds that the exemption of these proceedings from public  
 85 meetings requirements minimizes the possibility of unnecessary  
 86 scrutiny by the public or media of sensitive, personal  
 87 information concerning a student. Furthermore, without such

PCS for HB 463

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88 | exemption, release of confidential and exempt information via a  
89 | public meeting defeats the purpose of the public records  
90 | exemption.

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