

Council Substitute for House Bill No. 463

An act relating to public records and public meetings exemptions; amending s. 1006.20, F.S.; exempting from public records requirements records relating to drug tests and to challenge and appeal proceedings under the Florida High School Athletic Association's random drug testing program; exempting from public meetings requirements the portions of a meeting at which records relating to drug tests or to challenge or appeal proceedings will be discussed; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

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

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

1006.20 Athletics in public K-12 schools.—

(10) RANDOM DRUG TESTING 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.

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

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

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

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 This subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2012, unless reviewed and saved from repeal through reenactment by the Legislature.

b. Information made confidential and exempt under sub-subparagraph a. may only be disclosed to the organization, the student, the student's parent, the administration of the student's school, and the administration of any school to which the student may transfer during a suspension from participation in interscholastic athletics resulting from a positive finding. The entities or persons receiving such information shall maintain the confidential and exempt status of the information.

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

Section 2. The Legislature finds that it is a public necessity for the records relating to drug tests administered, and to the challenge or appeal proceedings occurring, under s. 1006.20(10), Florida Statutes, to be made confidential and exempt from public records requirements. The Legislature finds that harm caused by releasing such information outweighs any public benefit that might be derived from releasing the information. Such information is of a sensitive and personal nature, could be used to discriminate against a student, and could cause harm to a student's reputation. The Legislature further finds that it is a public necessity for the portions of a meeting at which the records of drug tests or of challenge or appeal proceedings under s. 1006.20(10), Florida Statutes, are presented or discussed to be made exempt from public meetings requirements. The Legislature finds that the exemption of these proceedings from public meetings requirements minimizes the possibility of unnecessary scrutiny by the public or media of sensitive, personal information concerning a student. Furthermore, without such exemption, release of confidential and exempt information via a public meeting defeats the purpose of the public records exemption.

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

Approved by the Governor June 19, 2007.

Filed in Office Secretary of State June 19, 2007.