

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Judiciary Committee

BILL: SB 798

SPONSOR: Senators Webster and Fasano

SUBJECT: Judiciary

DATE: April 25, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Maclure	JU	Fav/1 amendment
2.			GO	
3.			JA	
4.			WM	
5.			RC	
6.				

Please see last section for Summary of Amendments

Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

This bill expresses the legislative intent to enact laws relating to the judicial branch of state government.

However, a substantial strike-everything amendment adopted in the Judiciary Committee would become the substance of the bill. This traveling amendment revises an existing public-records exemption contained in s. 390.01116, F.S., relating to situations in which a minor would petition a circuit court for a waiver from requirements to notify a parent or legal guardian when she seeks to terminate a pregnancy. The existing exemption is for information in documents related to the petition which could identify the minor. The amendment expands the coverage of the public-record exemption to apply to any information in a record held by a circuit or appellate court. The revised public-records exemption is linked to the passage of CS/SB 1908 or similar legislation providing for the notification of a parent or legal guardian when a minor seeks to terminate a pregnancy. (See "Summary of Amendments" on page three of this staff analysis.)

II. Present Situation:

This bill expresses the legislative intent to enact laws relating to the judicial branch of state government.

III. Effect of Proposed Changes:

This bill expresses the legislative intent to enact laws relating to the judicial branch of state government.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

VIII. Summary of Amendments:

Barcode 141954 by Judiciary:

Amends an existing public-records exemption in s. 390.01116, F.S., relating to a petition by a minor to the circuit court to waive requirements for a parent to be notified when a minor seeks an abortion.¹ The existing exemption applies to documents relating to the petition filed in circuit court which identify the minor. This amendment expands the public-records exemption to apply to any information that identifies the minor in a record held by the circuit or appellate court. This amendment also provides for an Open Government Sunset Review.

This amendment also provides a public necessity statement, which finds:

- Information contained in these records is of a sensitive, personal nature;
- Disclosure of this information could harm the reputation of the minor or jeopardize the minor's safety, especially in instances where child abuse or sexual abuse is present;
- Confidentiality is required to protect the minor's right of privacy;
- Confidentiality is required at every level of court proceeding consistent with numerous United States Supreme Court rulings on state parental notification laws; and
- Administration of the state's judicial bypass program will otherwise be impaired. (WITH TITLE AMENDMENT)

The revised public-records exemption is linked to the passage of CS/SB 1908 or similar legislation providing for the notification of a parent or legal guardian when a minor seeks to terminate a pregnancy. The committee substitute provides for notification, but also authorizes a minor to petition a court to waive notice under certain circumstances.

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¹ The existing public-records exemption appears to be related to s. 390.01115, F.S, which creates such a program but was ruled unconstitutional by the Florida Supreme Court in *North Florida Women's Health and Counseling Services, Inc., et al., v. State of Florida*, 866 So.2d 612 (Fla. 2003).