

Bill No. HJR 1, 3rd Eng.

Amendment No. ____ Barcode 894834

CHAMBER ACTION

Senate

House

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Senators Aronberg, Campbell, Geller, Lawson, Siplin, and Smith moved the following **substitute for amendment** (115630):

Senate Amendment

Delete everything after the enacting clause

and insert:

Section 22. Parental notice of termination of a minor's pregnancy.--The Legislature shall not limit or deny the privacy right guaranteed to a minor under the United States Constitution as interpreted by the United States Supreme Court. Notwithstanding a minor's right of privacy provided in Section 23 of Article I, the Legislature is authorized to require by general law for notification to a parent or guardian of an unemancipated minor no more than 24 hours before the termination of the minor's pregnancy. The Legislature shall provide that such notice shall not be required in the case of a medical emergency where delay will endanger the minor's health or welfare the minor alleges that she has been the victim of sexual or child abuse. The Legislature shall create an expeditious, confidential

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1 procedure for judicial waiver of the notification for minors
2 mature enough to provide informed consent or where
3 notification of a parent or guardian is not in the best
4 interest of the minor. The minor may file her petition in any
5 court of competent jurisdiction. The confidential procedure
6 shall provide that the minor may file her petition using a
7 pseudonym, that all records in her case be sealed and that the
8 hearing be held in a closed courtroom from which the public is
9 excluded. The expeditious procedure shall require that a
10 hearing on the minor's petition be held within 49 hours after
11 the time of filing, unless the minor requests otherwise, and
12 that the decision on the petition shall be rendered
13 immediately after the close of the hearing; if the hearing is
14 not held within the foregoing time constraints or the decision
15 is not rendered immediately after the close of the hearing,
16 the minor's petition shall be deemed granted and all costs
17 and filing fees are waived. the minor shall have the right to
18 legal counsel at no charge and an expeditious, confidential
19 appeal. The minor may file a notice of appeal at any time. The
20 appellate courts shall reach a decision on any appeal within
21 three days after the filing of the minor's notice of appeal.

22 BE IT FURTHER RESOLVED that the following statement be
23 placed on the ballot:

24 CONSTITUTIONAL AMENDMENT

25 ARTICLE X, SECTION 22

26 NOTIFICATION OF A MINOR'S TERMINATION OF PREGNANCY.--

27 Proposing an amendment to the State Constitution to
28 authorize the legislature to require by future general law
29 without deadline for notification to a parent or guardian of a
30 minor before the termination of the minor's pregnancy. The
31 state Constitution's right to privacy extends to all natural

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1 persons, including minors. The Florida Supreme Court has
2 interpreted the right to privacy to protect minor's access to
3 confidential health care. The amendment will remove some of
4 the greater protections that the state Constitution currently
5 provides for minors and increase parental rights, but will not
6 limit or deny the privacy rights guaranteed to minors under
7 the United States Constitution as interpreted by the United
8 States Supreme Court. The legislature shall provide exceptions
9 to such requirement for notification, as in cases of medical
10 emergency where there is sufficient time for the attending
11 physician to comply with such requirements, and shall create a
12 procedure to bypass the requirement for emancipated or mature
13 minors, minors who are victims of child or sexual abuse, and
14 in cases where a judge determines that the abortion is in the
15 best interest of the child.

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