

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Richardson offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the resolving clause and insert:

5 That the creation of Section 22 of Article X of the State
6 Constitution set forth below is agreed to and shall be submitted
7 to the electors of Florida for approval or rejection at the
8 general election to be held in November 2004:

9 ARTICLE X

10 MISCELLANEOUS

11 SECTION 22. Parental notice of abortion.--

12 (a) Notwithstanding the right of privacy provided in
13 Article I, Section 23, the legislature shall by general law
14 require a physician to notify the parent or guardian of a
15 pregnant minor at least 48 hours before the physician terminates
16 the minor's pregnancy. The legislature may not require such
17 notification if:

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18 (1) A documented medical emergency exists and there is
19 insufficient time for the physician to notify the parent or
20 guardian.

21 (2) The minor is or has been married or has had the
22 disability of nonage removed.

23 (3) A circuit court has waived the notice requirement
24 based upon any of the following grounds:

25 a. There is evidence of child abuse or sexual abuse of the
26 minor by one or both of the minor's parents or by the guardian;
27 or

28 b. The notification of a parent or guardian is not in the
29 best interest of the minor.

30 (b) In a judicial proceeding brought pursuant to paragraph
31 (a)(3), the court must:

32 (1) Give the proceeding precedence over other matters to
33 ensure that the court reaches a decision promptly;

34 (2) Maintain written transcripts of all testimony and
35 proceedings;

36 (3) Provide for an expedited and confidential appeal; and

37 (4) Waive any requirements for filing fees or court costs.

38 BE IT FURTHER RESOLVED that the title and substance of the
39 amendment proposed herein shall appear on the ballot as follows:

40 PARENTAL NOTIFICATION OF A MINOR'S TERMINATION OF PREGNANCY

41 Proposes the creation of Section 22 of Article X of the
42 State Constitution stipulating that the Legislature,
43 notwithstanding the constitutional right of privacy, enact
44 legislation requiring a physician to notify the parent or
45 guardian of a pregnant minor at least 48 hours before
46 terminating the minor's pregnancy; provides that such

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47 notification is not required if a documented medical emergency
48 exists and there is insufficient time to provide notice, if the
49 minor is or has been married or has had the disability of nonage
50 removed, or if the circuit court waives the notice requirement
51 based on a finding of child abuse or sexual abuse by the parent
52 or guardian of the minor or finds that such notification is not
53 in the best interest of the minor; and requires that any court
54 proceeding be expeditious and confidential, that written
55 transcripts be maintained, and that filing fees and court costs
56 be waived.

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58 ===== T I T L E A M E N D M E N T =====

59 Remove the entire title and insert:

60 House Joint Resolution

61 A joint resolution proposing the creation of Section 22 of
62 Article X of the State Constitution, relating to
63 miscellaneous matters, to require the Legislature to enact
64 legislation providing for the notification of a pregnant
65 minor's parent or guardian prior to termination of the
66 pregnancy and setting requirements and conditions
67 therefor.