

By Senator Diaz de la Portilla

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Senate Joint Resolution No. ____

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

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

That the following creation of Section 22 of Article X of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE X
MISCELLANEOUS

Section 22. Parental notice of abortion.--

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

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

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

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

3 a. There is evidence of child abuse or sexual abuse of
4 the minor by one or both of the minor's parents or by the
5 guardian; or

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

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

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

12 (2) Maintain written transcripts of all testimony and
13 proceedings;

14 (3) Provide for an expedited and confidential appeal;
15 and

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

18 BE IT FURTHER RESOLVED that the following statement be
19 placed on the ballot:

20 CONSTITUTIONAL AMENDMENT

21 ARTICLE X, SECTION 22

22 PARENTAL NOTIFICATION OF A MINOR'S TERMINATION OF
23 PREGNANCY.--Proposing an amendment to the State Constitution
24 stipulating that the Legislature, notwithstanding the
25 constitutional right of privacy, enact legislation requiring a
26 physician to notify the parent or guardian of a pregnant minor
27 at least 48 hours before terminating the minor's pregnancy;
28 providing that such notification is not required if a
29 documented medical emergency exists and there is insufficient
30 time to provide notice, if the minor is or has been married or
31 has had the disability of nonage removed, or if the circuit

1 court waives the notice requirement based on a finding of
2 child abuse or sexual abuse by the parent or guardian of the
3 minor or finds that such notification is not in the best
4 interest of the minor; and requiring that any court proceeding
5 be expeditious and confidential, that written transcripts be
6 maintained, and that filing fees and court costs be waived.
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