${\bf By}$  the Committee on Health, Aging, and Long-Term Care; and Senator Diaz de la Portilla

317-2109-04

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1 Senate Joint Resolution No. A joint resolution proposing the creation of 2 Section 22 of Article X of the State 3 4 Constitution, relating to miscellaneous 5 matters, to require the Legislature to enact legislation providing for the notification of a 6 7 pregnant minor's parent or quardian prior to 8 termination of the pregnancy and setting 9 requirements and conditions therefor. 10 Be It Resolved by the Legislature of the State of Florida: 11 12 That the following creation of Section 22 of Article X 13 of the State Constitution is agreed to and shall be submitted 14 to the electors of this state for approval or rejection at the 15 next general election or at an earlier special election 16 17 specifically authorized by law for that purpose: ARTICLE X 18 19 MISCELLANEOUS 20 SECTION 22. Parental notice of abortion. --(a) Notwithstanding the right of privacy provided in 21

- (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 shall 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;
- 30 (2) The minor is or has been married or has had the disability of nonage removed; or

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CODING: Words stricken are deletions; words underlined are additions.

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, by the
5	guardian, or by a family member or a resident of the home
6	where the minor resides; or
7	b. The notification of a parent or guardian is not in
8	the best interest of the minor.
9	(b) In a confidential judicial proceeding brought
10	pursuant to paragraph (a)(3), the court must:
11	(1) Give the proceeding precedence over other matters
12	to ensure that the court reaches a decision promptly;
13	(2) Maintain written transcripts of all testimony and
14	<pre>proceedings;</pre>
15	(3) Provide for an expedited and confidential appeal;
16	<u>and</u>
17	(4) Waive any requirements for filing fees or court
18	costs.
19	BE IT FURTHER RESOLVED that the following statement be
20	placed on the ballot:
21	CONSTITUTIONAL AMENDMENT
22	ARTICLE X, SECTION 22
23	PARENTAL NOTIFICATION OF A MINOR'S TERMINATION OF
24	PREGNANCYProposing an amendment to the State Constitution
25	stipulating that the Legislature, notwithstanding the
26	constitutional right of privacy, enact legislation requiring a
27	physician to notify the parent or guardian of a pregnant minor
28	at least 48 hours before terminating the minor's pregnancy;
29	providing that such notification is not required if a
30	documented medical emergency exists and there is insufficient

31 time to provide notice, if the minor is or has been married or

has had the disability of nonage removed, or if the circuit court waives the notice requirement based on a finding of child abuse or sexual abuse by the parent or guardian of the minor or finds that such notification is not in the best interest of the minor; and requiring that any court proceeding be expeditious and confidential, that written transcripts be maintained, and that filing fees and court costs be waived. STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR Senate Joint Resolution 2178 The committee substitute: Clarifies that the exceptions to the requirement for notification are mandatory, not optional; Includes child abuse and sexual abuse by a family member or resident of the home of the minor as grounds for an exemption from the notice requirement; and Makes all judicial proceedings confidential.