

By the Committees on Judiciary; Health, Aging, and Long-Term Care; and Senator Diaz de la Portilla

308-2188-04

1 Senate Joint Resolution No. ____

2 A joint resolution proposing the creation of

3 Section 22 of Article X of the State

4 Constitution, relating to miscellaneous

5 matters, prohibiting the Legislature from

6 limiting or denying the privacy right

7 guaranteed to a minor under the United States

8 Constitution, as interpreted by the United

9 States Supreme Court, and authorizing the

10 Legislature to enact Legislation providing for

11 the notification of a pregnant minor's parent

12 or guardian before termination of the pregnancy

13 and setting requirements and conditions

14 therefor.

15

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

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18 That the following creation of Section 22 of Article X

19 of the State Constitution is agreed to and shall be submitted

20 to the electors of this state for approval or rejection at the

21 general election to be held in November 2004:

22 ARTICLE X

23 MISCELLANEOUS

24 SECTION 22. Parental notice of termination of a

25 minor's pregnancy.--The Legislature shall not limit or deny

26 the privacy right guaranteed to a minor under the United

27 States Constitution as interpreted by the United States

28 Supreme Court. Notwithstanding a minor's right of privacy

29 provided in Section 23 of Article I, the Legislature is

30 authorized to require by general law for notification to a

31 parent or guardian of a minor before the termination of the

1 minor's pregnancy. The Legislature shall provide exceptions to
2 such requirement for notification and shall create a procedure
3 for judicial waiver of the notification.

4 BE IT FURTHER RESOLVED that the following statement be
5 placed on the ballot:

6 CONSTITUTIONAL AMENDMENT

7 ARTICLE X, SECTION 22

8 PARENTAL NOTIFICATION OF A MINOR'S TERMINATION OF
9 PREGNANCY.--Proposing an amendment to the State Constitution
10 to authorize the Legislature to require by general law for
11 notification to a parent or guardian of a minor before the
12 termination of the minor's pregnancy. The amendment provides
13 that the Legislature shall not limit or deny the privacy
14 rights guaranteed to minors under the United States
15 Constitution as interpreted by the United States Supreme
16 Court. The Legislature shall provide exceptions to such
17 requirement for notification and shall create a procedure for
18 judicial waiver of the requirement for notification.

19
20 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
21 COMMITTEE SUBSTITUTE FOR
22 CS Senate Bill 2178

- 23 - Requires the Legislature by general law to provide
24 exceptions to parental notification.
25 - Retains requirement that Legislature create a specific
26 judicial waiver procedure, but deletes the five specific
27 elements of the procedure. The Legislature is not
28 precluded from specifying the elements in a statute."
29 - Revises the ballot summary to conform to the revised,
30 proposed amendment.
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