

Bill No. SB 798

Barcode 141954

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Webster) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 390.01116, Florida Statutes, is amended to read:

390.01116 Waiver of notice petition;
confidentiality.--When a minor petitions a circuit court for a waiver, as provided in s. 390.01114, of the notice requirements pertaining to a minor seeking to terminate her pregnancy, any information in a record held by the circuit court or an appellate court ~~documents related to the petition~~ which could be used to identify the minor is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Section 2. Section 390.01116, Florida Statutes, is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall

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1 stand repealed on October 2, 2010, unless reviewed and saved
2 from repeal through reenactment by the Legislature.

3 Section 3. (1) The Legislature finds that it is a
4 public necessity to keep confidential and exempt from public
5 disclosure information contained in a court record which could
6 be used to identify a minor who is petitioning the court for a
7 waiver from the statutory requirement that a parent or legal
8 guardian be notified when a minor seeks to terminate her
9 pregnancy. The information contained in these records is of a
10 sensitive, personal nature regarding a minor petitioner,
11 release of which could harm the reputation of the minor, as
12 well as jeopardize her safety. Disclosure of this information
13 could jeopardize the safety of the minor in instances when
14 child abuse or child sexual abuse against her is present by
15 exposing her to further acts of abuse from an abuser who,
16 without the confidentiality and exemption, could learn of the
17 minor's pregnancy, her plans to terminate the pregnancy, and
18 her petition to the court.

19 (2) The Legislature further finds that it is a public
20 necessity to keep this identifying information in records held
21 by the court confidential and exempt in order to protect the
22 privacy of the minor. The State Constitution contains an
23 express right of privacy in Section 23 of Article I. Further,
24 the United States Supreme Court has repeatedly required
25 parental-notification laws to contain judicial-bypass
26 procedures and to preserve confidentiality at every level of
27 court proceedings in order to protect the privacy rights of
28 the minor. Without the confidentiality and exemption provided
29 in this act, the disclosure of personal identifying
30 information would violate the right of privacy of the minor.
31 Further, without the confidential and exempt status for this

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1 information, the constitutionality of the state's program
 2 providing for notification of a minor's termination of
 3 pregnancy, and the judicial-bypass procedure in particular,
 4 would be in question. Thus, the confidentiality and exemption
 5 provided in this act are also necessary for the effective
 6 administration of the state's program, which administration
 7 would be impaired without the exemption.

8 Section 4. This act shall take effect on the same day
 9 that Senate Bill 1908 or similar legislation providing for
 10 parental notice of a minor's abortion takes effect, if the
 11 legislation is adopted in the same legislative session or an
 12 extension thereof and becomes law.

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

16 And the title is amended as follows:

17 Delete everything before the enacting clause

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19 and insert:

20 A bill to be entitled
 21 An act relating to public records; amending s.
 22 390.01116, F.S.; providing a public-records
 23 exemption for information that could identify a
 24 minor which is contained in a record held by
 25 the court relating to a minor's petition to
 26 waive notice requirements when terminating a
 27 pregnancy; providing for future legislative
 28 review and repeal under the Open Government
 29 Sunset Review Act; providing findings of public
 30 necessity; providing a contingent effective
 31 date.