

Bill No. CS/HB 1497, 2nd Eng.

Barcode 955878

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Storms moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (4) of section 390.01114, Florida Statutes, is amended to read:

390.01114 Parental Notice of Abortion Act.--

(4) PROCEDURE FOR JUDICIAL WAIVER OF NOTICE.--

(a) A minor may petition any circuit court in a judicial circuit within the jurisdiction of the District Court of Appeal in which the minor ~~she~~ resides for a waiver of the notice requirements of subsection (3) and may participate in proceedings on her own behalf. The petition may be filed under a pseudonym or through the use of initials, as provided by court rule. The petition must include a statement that the petitioner is pregnant and notice has not been waived. The court shall advise the minor that she has a right to court-appointed counsel and shall provide her with counsel upon her request at no cost to the minor.

Bill No. CS/HB 1497, 2nd Eng.

Barcode 955878

1 (b) Court proceedings under this section ~~subsection~~
 2 must be given precedence over other pending matters to the
 3 extent necessary to ensure that the court reaches a decision
 4 promptly. The court shall rule, and issue written findings of
 5 fact and conclusions of law, within 48 hours after the
 6 petition is filed, except that the 48-hour limitation may be
 7 extended at the request of the minor. If the court fails to
 8 rule within the 48-hour period and an extension has not been
 9 requested, the petition shall be deemed ~~is~~ granted, and the
 10 notice requirement ~~is~~ waived.

11 (c) If the court finds, by clear and convincing
 12 evidence, that the minor is sufficiently mature to decide
 13 whether to terminate her pregnancy, the court shall issue an
 14 order authorizing the minor to consent to the performance or
 15 inducement of a termination of pregnancy without the
 16 notification of a parent or guardian. If the court does not
 17 make the finding specified in this paragraph or paragraph (d),
 18 it must dismiss the petition. Factors the court shall consider
 19 include:

- 20 1. The minor's:
 - 21 a. Age.
 - 22 b. Overall intelligence.
 - 23 c. Emotional stability.
 - 24 d. Credibility and demeanor as a witness.
 - 25 e. Ability to accept responsibility.
 - 26 f. Ability to assess the future consequences of her
 27 choices.
 - 28 g. Ability to understand and comprehend the medical
 29 risks of terminating her pregnancy and to apply that
 30 understanding to her decision.

31 2. Whether there has been any intimidation or undue

1 influence on the minor's decision to terminate her pregnancy.

2 (d) If the court finds, by a preponderance of the
3 evidence, that the petitioner is the victim ~~there is evidence~~
4 of child abuse or sexual abuse inflicted ~~of the petitioner~~ by
5 one or both of her parents or her guardian, or that the
6 notification of a parent or guardian is not in the best
7 interest of the petitioner, the court shall issue an order
8 authorizing the minor to consent to the performance or
9 inducement of a termination of pregnancy without the
10 notification of a parent or guardian. If the court finds
11 evidence of child abuse or sexual abuse of the minor
12 petitioner by any person, the court shall report the evidence
13 of child abuse or sexual abuse of the petitioner, as provided
14 in s. 39.201. If the court does not make the finding specified
15 in this paragraph or paragraph (c), it must dismiss the
16 petition.

17 (e) A court that conducts proceedings under this
18 section shall:

19 1. Provide for a written transcript of all testimony
20 and proceedings; ~~and~~

21 2. Issue a final witten order containing ~~and specific~~
22 factual findings and legal conclusions supporting its
23 decision, including factual findings and legal conclusions
24 relating to the maturity of the minor as provided under
25 paragraph (c); and ~~shall~~

26 3. Order that a confidential record be maintained, as
27 required under s. 390.01116. ~~At the hearing, the court shall~~
28 ~~hear evidence relating to the emotional development, maturity,~~
29 ~~intellect, and understanding of the minor, and all other~~
30 ~~relevant evidence.~~

31 (f) All hearings under this section, including

Bill No. CS/HB 1497, 2nd Eng.

Barcode 955878

1 | appeals, shall remain confidential and closed to the public,
2 | as provided by court rule.

3 | ~~(g)(f)~~ An expedited appeal shall be made available, as
4 | the Supreme Court provides by rule, to any minor to whom the
5 | circuit court denies a waiver of notice. An order authorizing
6 | a termination of pregnancy without notice is not subject to
7 | appeal.

8 | ~~(h)(g)~~ ~~No~~ Filing fees or court costs may not ~~shall~~ be
9 | required of any pregnant minor who petitions a court for a
10 | waiver of parental notification under this subsection at
11 | either the trial or the appellate level.

12 | ~~(i)(h)~~ A ~~No~~ county is not ~~shall be~~ obligated to pay
13 | the salaries, costs, or expenses of any counsel appointed by
14 | the court under this subsection.

15 | Section 2. If any provision of this act or its
16 | application to any individual or circumstance is held invalid,
17 | the invalidity does not affect other provisions or
18 | applications of this act which can be given effect without the
19 | invalid provision or application, and to this end the
20 | provisions of this act are severable.

21 | Section 3. This act shall take effect upon becoming a
22 | law

25 | ===== T I T L E A M E N D M E N T =====

26 | And the title is amended as follows:

27 | Delete everything before the enacting clause

29 | and insert:

30 | A bill to be entitled

31 | An act relating to parental notice of abortion;

Bill No. CS/HB 1497, 2nd Eng.

Barcode 955878

1 amending s. 390.01114, F.S.; providing that in
2 a hearing relating to waiving the requirement
3 for parental notice, the court consider certain
4 additional factors, including whether the
5 minor's decision to terminate her pregnancy was
6 due to intimidation or undue influence;
7 providing for severability; providing an
8 effective date.

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