## Florida Senate - 2007

 ${\bf By}$  the Committees on Judiciary; Health Regulation; and Senators Storms and Gaetz

590-2618-07 1 A bill to be entitled 2 An act relating to parental notice of abortion; amending s. 390.01114, F.S.; providing that in 3 4 a hearing relating to waiving the requirement 5 for parental notice, the court consider certain б additional factors, including whether the 7 minor's decision to terminate her pregnancy was 8 due to intimidation or undue influence; providing for severability; providing an 9 10 effective date. 11 12 Be It Enacted by the Legislature of the State of Florida: 13 Section 1. Subsection (4) of section 390.01114, 14 Florida Statutes, is amended to read: 15 390.01114 Parental Notice of Abortion Act.--16 17 (4) PROCEDURE FOR JUDICIAL WAIVER OF NOTICE.--18 (a) A minor may petition any circuit court in a judicial circuit within the jurisdiction of the District Court 19 of Appeal in which the minor she resides for a waiver of the 20 21 notice requirements of subsection (3) and may participate in 22 proceedings on her own behalf. The petition may be filed under 23 a pseudonym or through the use of initials, as provided by court rule. The petition must include a statement that the 2.4 25 petitioner is pregnant and notice has not been waived. The 26 court shall appoint a guardian ad litem for the minor to 27 represent the minor's best interests. The court shall advise 2.8 the minor that she has a right to court-appointed counsel and 29 shall provide her with counsel upon her request at no cost to 30 the minor. 31

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1	(b) Court proceedings under this <u>section</u>
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 <u>shall be deemed</u> $rac{ extsf{is}}{ extsf{s}}$ granted, and the
10	notice requirement <del>is</del> 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. <u>Factors the court shall consider</u>
19	<u>include:</u>
20	1. The minor's:
21	<u>a. Age.</u>
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	<u>choices.</u>
28	q. Ability to understand and explain the medical
29	consequences of terminating her pregnancy and to apply that
30	understanding to her decision.
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1	2. Whether there has been any intimidation or undue
2	influence on the minor's decision to terminate her pregnancy.
3	(d) If the court finds, by a preponderance of the
4	evidence, that <u>the petitioner is the victim</u> <del>there is evidence</del>
5	of child abuse or sexual abuse <u>inflicted</u> <del>of the petitioner</del> by
б	one or both of her parents or her guardian, or that the
7	notification of a parent or guardian is not in the best
8	interest of the petitioner, the court shall issue an order
9	authorizing the minor to consent to the performance or
10	inducement of a termination of pregnancy without the
11	notification of a parent or guardian. If the court finds
12	evidence of child abuse or sexual abuse of the minor
13	petitioner by any person, the court shall report the evidence
14	of child abuse or sexual abuse of the petitioner, as provided
15	in s. 39.201. If the court does not make the finding specified
16	in this paragraph or paragraph (c), it must dismiss the
17	petition.
18	(e) A court that conducts proceedings under this
19	section shall:
20	<u>1.</u> Provide for a written transcript of all testimony
21	and proceedings; and
22	<ol><li>Issue a final witten order containing and specific</li></ol>
23	factual findings and legal conclusions supporting its
24	decision, including factual findings and legal conclusions
25	relating to the maturity of the minor as provided under
26	paragraph (c); and <del>shall</del>
27	3. Order that a confidential record be maintained, as
28	required under s. 390.01116. <del>At the hearing, the court shall</del>
29	hear evidence relating to the emotional development, maturity,
30	intellect, and understanding of the minor, and all other
31	relevant evidence.

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1 (f) All hearings under this section, including 2 appeals, shall remain confidential and closed to the public, as provided by court rule. 3 (q)(f) An expedited appeal shall be <u>made</u> available, as 4 5 the Supreme Court provides by rule, to any minor to whom the 6 circuit court denies a waiver of notice. An order authorizing 7 a termination of pregnancy without notice is not subject to 8 appeal. 9 (h)(g) No Filing fees or court costs may not shall be required of any pregnant minor who petitions a court for a 10 waiver of parental notification under this subsection at 11 12 either the trial or the appellate level. 13 (i)(h) A No county is not shall be obligated to pay the salaries, costs, or expenses of any counsel appointed by 14 the court under this subsection. 15 16 Section 2. If any provision of this act or its 17 application to any individual or circumstance is held invalid, 18 the invalidity does not affect other provisions or applications of this act which can be given effect without the 19 invalid provision or application, and to this end the 2.0 21 provisions of this act are severable. 22 Section 3. This act shall take effect upon becoming a 23 law. 2.4 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN 25 COMMITTEE SUBSTITUTE FOR <u>CS for SB 1602</u> 2.6 27 The committee substitute differs from the underlying bill in 2.8 that it reinstates cross-references in existing law. As a 29 result, a minor demonstrating sufficient maturity to determine whether to terminate her pregnancy need not show that she was abused by a parent or that parental notification is not in her 30 best interest. 31

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