

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 explain the medical
29 consequences of terminating her pregnancy and to apply that
30 understanding to her decision.

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 the petitioner is the victim ~~there is evidence~~
5 of child abuse or sexual abuse inflicted ~~of the petitioner~~ by
6 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 1. Provide for a written transcript of all testimony
21 and proceedings; ~~and~~

22 2. Issue a final witten order containing and specific
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 shall

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

1 (f) All hearings under this section, including
2 appeals, shall remain confidential and closed to the public,
3 as provided by court rule.

4 (g)(f) An expedited appeal shall be made available, as
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
10 required of any pregnant minor who petitions a court for a
11 waiver of parental notification under this subsection at
12 either the trial or the appellate level.

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

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
19 applications of this act which can be given effect without the
20 invalid provision or application, and to this end the
21 provisions of this act are severable.

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

24
25 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
26 COMMITTEE SUBSTITUTE FOR
27 CS for SB 1602

28 The committee substitute differs from the underlying bill in
29 that it reinstates cross-references in existing law. As a
30 result, a minor demonstrating sufficient maturity to determine
31 whether to terminate her pregnancy need not show that she was
abused by a parent or that parental notification is not in her
best interest.