

HB 7115

2010

1 A bill to be entitled  
 2 An act relating to a review under the Open Government  
 3 Sunset Review Act; amending s. 390.01116, F.S., which  
 4 provides an exemption from public records requirements for  
 5 information that could identify a minor which is contained  
 6 in a record relating to a minor's petition to waive notice  
 7 requirements when terminating a pregnancy; repealing s. 2,  
 8 ch. 2005-104, Laws of Florida, which provides for repeal  
 9 of the exemption; making editorial changes; expanding the  
 10 exemption to include such information held by the office  
 11 of criminal conflict and civil regional counsel or the  
 12 Justice Administrative Commission; providing for future  
 13 legislative review and repeal of the exemption under the  
 14 Open Government Sunset Review Act; providing a statement  
 15 of public necessity; providing an effective date.

16  
 17 Be It Enacted by the Legislature of the State of Florida:

18  
 19 Section 1. Section 390.01116, Florida Statutes, is amended  
 20 to read:

21 390.01116 Public records exemptions; minors seeking waiver  
 22 of notice requirements ~~petition; confidentiality.~~ Any  
 23 information that can be used to identify ~~When~~ a minor  
 24 petitioning ~~petitions~~ a circuit court for a judicial waiver, as  
 25 provided in s. 390.01114, of the notice requirements under the  
 26 Parental Notice of Abortion Act ~~pertaining to a minor seeking to~~  
 27 ~~terminate her pregnancy, any information in a record held by the~~

HB 7115

2010

28 ~~ircuit court or an appellate court which could be used to~~  
29 ~~identify the minor is:~~

30 (1) Confidential and exempt from s. 119.07(1) and s.  
31 24(a), Art. I of the State Constitution if held by a circuit  
32 court or an appellate court.

33 (2) (a) Confidential and exempt from s. 119.07(1) and s.  
34 24(a), Art. I of the State Constitution if held by the office of  
35 criminal conflict and civil regional counsel or the Justice  
36 Administrative Commission.

37 (b) Paragraph (a) is subject to the Open Government Sunset  
38 Review Act in accordance with s. 119.15 and shall stand repealed  
39 on October 2, 2015, unless reviewed and saved from repeal  
40 through reenactment by the Legislature.

41 Section 2. The Legislature finds that it is a public  
42 necessity to make confidential and exempt from public records  
43 requirements any information that can be used to identify a  
44 minor petitioning a circuit court for a judicial waiver from the  
45 statutory requirement that a parent or legal guardian be  
46 notified when that minor seeks to terminate her pregnancy when  
47 such information is held by the office of criminal conflict and  
48 civil regional counsel or the Justice Administrative Commission.  
49 The information contained in these records is of a sensitive,  
50 personal nature regarding a minor petitioner, the release of  
51 which could harm the reputation of the minor, as well as  
52 jeopardize her safety. Disclosure of this information could  
53 jeopardize the safety of the minor in instances in which child  
54 abuse or child sexual abuse against her is present by exposing  
55 her to further acts of abuse from an abuser who, without the

HB 7115

2010

56 public record exemption, could learn of the minor's pregnancy,  
57 her plans to terminate the pregnancy, and her petition to the  
58 court. The Legislature further finds that it is a public  
59 necessity to keep this identifying information in records held  
60 by the office of criminal conflict and civil regional counsel or  
61 the Justice Administrative Commission confidential and exempt in  
62 order to protect the privacy of the minor. The State  
63 Constitution contains an express right of privacy in Section 23  
64 of Article I. Further, the United States Supreme Court has  
65 repeatedly required parental-notification laws to contain  
66 judicial-bypass procedures and to preserve confidentiality at  
67 every level of court proceedings in order to protect the privacy  
68 rights of the minor. Without the public record exemption  
69 provided in this act, the disclosure of personal identifying  
70 information would violate the right of privacy of the minor.  
71 Further, without the confidential and exempt status for this  
72 information, the constitutionality of the state's program  
73 providing for notification of a minor's termination of  
74 pregnancy, and the judicial-bypass procedure in particular,  
75 would be in question. Thus, the public record exemption provided  
76 in this act is necessary for the effective administration of the  
77 state's program, which administration would be impaired without  
78 the exemption.

79 Section 3. Section 2 of chapter 2005-104, Laws of Florida,  
80 is repealed.

81 Section 4. This act shall take effect upon becoming a law.