

By Senator Storms

10-00632-11

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; creating an exemption from public-
4 records requirements for specified information that
5 identifies a woman upon whom an abortion was performed
6 or attempted; providing for redaction; providing for
7 future legislative review and repeal of the exemption
8 under the Open Government Sunset Review Act; amending
9 s. 119.0714, F.S.; providing that such identifying
10 information in a criminal or civil proceeding and part
11 of the court file is confidential and exempt from
12 public-records requirements; providing a statement of
13 necessity; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Paragraph (k) is added to subsection (2) of
18 section 119.071, Florida Statutes, to read:

19 119.071 General exemptions from inspection or copying of
20 public records.—

21 (2) AGENCY INVESTIGATIONS.—

22 (k)1. Any criminal intelligence information, criminal
23 investigative information, information contained in an annual
24 report required under s. 390.25(7), or information from a civil
25 proceeding or action, including the photograph; name; social
26 security number; bank account, debit, charge, or credit card
27 number; home or employment address; home, employment, or mobile
28 phone number; or other fact, which reveals the identity of the
29 woman upon whom an abortion was performed or attempted under s.

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30 390.25, is confidential and exempt from s. 119.07(1) and s.
31 24(a), Art. I of the State Constitution.

32 2. The following persons or entities shall redact
33 identifying information described in subparagraph 1. without a
34 person having to request redaction:

35 a. A clerk of court.

36 b. The Department of Health before it publishes its annual
37 report in accordance with s. 390.25(7).

38 3. This paragraph is subject to the Open Government Sunset
39 Review Act in accordance with s. 119.15, and shall stand
40 repealed on October 2, 2016, unless reviewed and saved from
41 repeal through reenactment by the Legislature.

42 Section 2. Paragraph (h) of subsection (1) of section
43 119.0714, Florida Statutes, is amended to read:

44 119.0714 Court files; court records; official records.—

45 (1) COURT FILES.—Nothing in this chapter shall be construed
46 to exempt from s. 119.07(1) a public record that was made a part
47 of a court file and that is not specifically closed by order of
48 court, except:

49 (h) Any criminal intelligence information, ~~or~~ criminal
50 investigative information, or information in a civil proceeding
51 or action which ~~that~~ is confidential and exempt as provided in
52 s. 119.071(2) (h) or s. 119.071(2) (k).

53 Section 3. The Legislature finds that it is a public
54 necessity to make confidential and exempt from public-records
55 requirements any information that can be used to identify a
56 woman upon whom an abortion was performed or attempted under s.
57 390.25, Florida Statutes. Even though the United States Supreme
58 Court, under *Roe v. Wade*, 410 U.S. 113 (1973), made abortion

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59 legal in the United States, the subject of abortion is still a
60 highly charged topic in this country. The disclosure of the
61 identity of a woman upon whom an abortion was performed or
62 attempted may endanger her because of the likelihood of
63 retaliation, harassment, or intimidation by persons who are
64 disgruntled or offended with the fact that the woman aborted or
65 attempted to abort her pregnancy. Termination of a pregnancy is
66 a very personal decision for a woman, and disclosure of
67 identifying information could cause severe emotional or mental
68 harm to her. If the identity of a woman upon whom an abortion
69 was performed or attempted under s. 390.25, Florida Statutes, is
70 subject to disclosure, such disclosure would create a chilling
71 effect on the woman in testifying against a health provider who
72 did not properly follow procedures in performing the abortion.
73 Moreover, disclosure of identifying information would threaten
74 the safety and security of the woman. Therefore, the Legislature
75 finds that it is a public necessity to make confidential and
76 exempt from public-records requirements identifying information
77 of women upon whom an abortion was performed or attempted under
78 s. 390.25, Florida Statutes.

79 Section 4. This act shall take effect July 1, 2011.