

By Senator Stargel

22-02504A-19

20191778__

1 A bill to be entitled
2 An act relating to public records; creating s.
3 390.01118, F.S.; providing a public records exemption
4 for information that could identify a minor which is
5 contained in a record held by the court relating to
6 the minor's petition to waive consent requirements to
7 obtain an abortion; providing for future legislative
8 review and repeal under the Open Government Sunset
9 Review Act; providing a statement of public necessity;
10 providing a contingent effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 390.01118, Florida Statutes, is created
15 to read:

16 390.01118 Public records exemptions; minors seeking waiver
17 of consent requirements.—Any information that can be used to
18 identify a minor who is petitioning a circuit court for a
19 judicial waiver, as provided in s. 390.01117, of the consent
20 requirements under the Parental Consent for Abortion Act is:

21 (1) Confidential and exempt from s. 24(a), Art. I of the
22 State Constitution, if held by a circuit court or an appellate
23 court.

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

28
29 This section is subject to the Open Government Sunset Review Act

22-02504A-19

20191778__

30 in accordance with s. 119.15 and shall stand repealed on October
31 2, 2024, unless reviewed and saved from repeal through
32 reenactment by the Legislature.

33 Section 2. (1) The Legislature finds that it is a public
34 necessity to keep confidential and exempt from public disclosure
35 information contained in a court record which could be used to
36 identify a minor who is petitioning the court for a waiver from
37 the statutory requirement that a parent or legal guardian give
38 consent before the minor may obtain an abortion. The information
39 contained in these records is of a sensitive, personal nature
40 regarding a minor petitioner, release of which could harm the
41 reputation of the minor, as well as jeopardize her safety.
42 Disclosure of this information could jeopardize the safety of
43 the minor in instances when child abuse or child sexual abuse
44 against her is present by exposing her to further acts of abuse
45 from an abuser who, if the information was not held
46 confidential, could learn of her pregnancy, her plans to obtain
47 an abortion, and her petition to the court.

48 (2) The Legislature further finds that it is a public
49 necessity to keep this identifying information in records held
50 by the court confidential and exempt in order to protect the
51 privacy of the minor. The State Constitution contains an express
52 right of privacy in Section 23 of Article I. Further, the United
53 States Supreme Court has repeatedly required parental-consent
54 laws to contain judicial-bypass procedures and to preserve
55 confidentiality at every level of court proceedings in order to
56 protect the privacy rights of the minor. Without the
57 confidentiality and exemption provided in this act, the
58 disclosure of personal identifying information would violate the

22-02504A-19

20191778__

59 right of privacy of the minor and would place the
60 constitutionality of the state's program providing for a
61 judicial waiver of consent in question. Thus, the
62 confidentiality and exemption provided by this act are necessary
63 for the effective administration of the Parental Consent for
64 Abortion Act, for which administration would be impaired without
65 the exemption.

66 Section 3. This act shall take effect on the same date that
67 SB ___ or similar legislation takes effect if such legislation
68 is adopted in the same legislative session or an extension
69 thereof and becomes a law.