

By Senator Gruters

23-00404-19

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1 A bill to be entitled
2 An act relating to public records; creating s.
3 390.305, F.S.; providing an exemption from public
4 records requirements for physician abortion reports
5 filed with the Department of Health; providing
6 exceptions; providing retroactive application;
7 providing for future legislative review and repeal of
8 the exemption under the Open Government Sunset Review
9 Act; providing a statement of public necessity;
10 providing a contingent effective date.

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

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14 Section 1. Section 390.305, Florida Statutes, is created to
15 read:

16 390.305 Physician abortion report exemption from public
17 records request.—A physician abortion report filed with the
18 Department of Health pursuant to s. 390.301(4)(a) is
19 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
20 of the State Constitution. The department may not make such
21 reports available for public inspection, shall maintain the
22 confidentiality of such reports, and may make such reports
23 available only to the following parties in the following
24 circumstances:

25 (1) To the Attorney General or a state attorney with
26 appropriate jurisdiction pursuant to a criminal investigation,
27 including an investigation of the grounds for a criminal action
28 under s. 390.301(6) or (7)(b); or

29 (2) Pursuant to a court order in an action brought under s.

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30 390.301(7).

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32 The exemption under this section applies to reports filed with
33 the department pursuant to s. 390.301(4)(a) before, on, or after
34 January 1, 2020. This section is subject to the Open Government
35 Sunset Review Act in accordance with s. 119.15 and shall stand
36 repealed on October 2, 2024, unless reviewed and saved from
37 repeal through reenactment by the Legislature.

38 Section 2. The Legislature finds that it is a public
39 necessity that a physician abortion report filed with the
40 Department of Health pursuant to s. 390.301(4)(a), Florida
41 Statutes, be confidential and exempt from disclosure under s.
42 119.07(1), Florida Statutes, and s. 24(a), Article I of the
43 State Constitution. A woman's health, her decision to have an
44 abortion, and the abortion procedure itself are intensely
45 private matters. The content of such a report should not be made
46 public. Protecting the report is necessary to ensure the health
47 care privacy rights of all individuals. Making these reports
48 confidential and exempt from disclosure will protect information
49 of a sensitive personal nature, the release of which could cause
50 unwarranted damage to the privacy rights and reputation of an
51 individual.

52 Section 3. This act shall take effect on the same date that
53 SB ____ or similar legislation takes effect, if such legislation
54 is adopted in the same legislative session or an extension
55 thereof and becomes a law.