

By the Committees on Rules; and Health Policy; and Senator Stargel

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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.

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

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14 Section 1. Section 390.01118, 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. 390.01114, of the consent
20 requirements under the Parental Notice of and Consent for
21 Abortion Act is:

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

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

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30 This section is subject to the Open Government Sunset Review Act
31 in accordance with s. 119.15 and shall stand repealed on October
32 2, 2025, unless reviewed and saved from repeal through
33 reenactment by the Legislature.

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

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

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

67 Section 3. This act shall take effect on the same date that
68 SB 404 or similar legislation takes effect if such legislation
69 is adopted in the same legislative session or an extension
70 thereof and becomes a law.