

By Senator Rodriguez

39-01085-21

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1                   A bill to be entitled  
2       An act relating to public records; creating s.  
3       390.302, 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.

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

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14       Section 1. Section 390.302, Florida Statutes, is created to  
15 read:

16       390.302 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(4)(d) or (6); or

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

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30 390.301(7).

31  
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, 2022. 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36 repealed on October 2, 2026, unless reviewed and saved from  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 made confidential and exempt from disclosure under  
42 s. 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 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.