

# FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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**BILL #:** [HB 7025](#) [PCB GOS 25-07](#)

**TITLE:** OGSR/Parental Consent Requirements Before Terminating a Pregnancy

**SPONSOR(S):** Greco

**COMPANION BILL:** [SB 7018](#)

**LINKED BILLS:** None

**RELATED BILLS:** None

## Committee References

[Orig. Comm.: Government Operations](#)

16 Y, 0 N



[State Affairs](#)

25 Y, 0 N

## SUMMARY

### Effect of the Bill:

The bill saves from repeal the public record exemption for certain information that can be used to identify a minor who is petitioning for a judicial waiver of parental consent under the Parental Notice of and Consent for Abortion Act. The public record exemption will repeal on October 2, 2025, if the bill does not become law.

### Fiscal or Economic Impact:

None.

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## ANALYSIS

### **EFFECT OF THE BILL:**

The bill removes the scheduled repeal, created pursuant to the [Open Government Sunset Review Act](#), of the public record exemption for any information held by a circuit or appellate court, the [Office of Criminal Conflict and Civil Regional Counsel](#), or the [Justice Administrative Commission](#) that can be used to identify a minor who is petitioning a circuit court for a judicial waiver of parental consent under the [Parental Notice of and Consent for Abortion Act](#). The public record exemption will repeal on October 2, 2025, if the bill does not become a law. (Section [1](#))

The effective date of the bill is October 1, 2025. (Section [2](#))

## RELEVANT INFORMATION

### **SUBJECT OVERVIEW:**

#### [Open Government Sunset Review Act](#)

The Open Government Sunset Review (OGSR) Act<sup>1</sup> sets forth a legislative review process for newly created or substantially amended public record or public meeting exemptions. It requires an automatic repeal of the exemption on October 2<sup>nd</sup> of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.<sup>2</sup>

The OGSR Act provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.
- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.

<sup>1</sup> S. [119.15.F.S.](#)

<sup>2</sup> S. [119.15\(3\).F.S.](#)

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- Protect trade or business secrets.<sup>3</sup>

If, and only if, in reenacting an exemption that will repeal, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required. If the exemption is reenacted with grammatical or stylistic changes that do not expand the exemption, if the exemption is narrowed, or if an exception to the exemption is created, then a public necessity statement and a two-thirds vote are not required.<sup>4</sup>

### **Parental Notice of and Consent for Abortion Act**

Prior to 2020, before a physician could perform an abortion on a minor, the physician had to notify the parents, but consent was not required. In 2020, the Legislature amended the Parental Notice of Abortion Act to also require parental consent.<sup>5</sup> Unless certain exceptions apply,<sup>6</sup> current law prohibits a physician from performing or inducing an abortion on a minor unless the physician provides actual or constructive parental notice and receives a notarized, written consent statement signed, dated, and initialed on each page by the mother, father, or legal guardian.<sup>7</sup> The consenting parent or guardian must also provide the physician with a copy of a government-issued proof of identification. Current law prescribes language that the consent statement must include, requires documentation that must be maintained in the physician's records, and specifies a process to obtain a judicial waiver to bypass the notice and consent requirements.<sup>8</sup>

### **Judicial Waiver of Parental Notice and Consent Requirements**

The Parental Notice of and Consent for Abortion Act authorizes a minor to petition a circuit court where she resides for a waiver of the parental notice or consent requirements, or both. To initiate the process, a minor may file the petition under a pseudonym or by using initials, as provided by court rule. The petition must contain a statement that the petitioner is pregnant and that the notice and consent requirements of the law have not been waived. The court must advise the petitioner that she has a right to court-appointed counsel and if she requests counsel, it will be provided to her at no cost.<sup>9</sup>

Once a petition is filed, the court must rule and issue written findings of fact and conclusions of law within three business days after the petition is filed. This timeframe may be extended at the request of the minor.<sup>10</sup>

If the circuit court determines, by clear and convincing evidence, that the minor is sufficiently mature to decide whether to terminate her pregnancy, the court must issue an order authorizing the minor to consent to the abortion.<sup>11</sup> If the court finds that the minor does not possess the requisite maturity to make that determination, it must dismiss the petition.<sup>12</sup> If the court determines by a preponderance of the evidence that the minor is a victim of child abuse or sexual abuse inflicted by her parent or guardian, or if the court determines by clear and convincing evidence that the notification or consent requirement of a parent or guardian is not in her best interest, the court must issue an order authorizing the minor to consent to the performance or inducement of a termination of the pregnancy.<sup>13</sup>

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<sup>3</sup> S. [119.15\(6\)\(b\), F.S.](#)

<sup>4</sup> [Art. I, s. 24\(c\), FLA. CONST.](#)

<sup>5</sup> [Ch. 2020-147, L.O.F.; codified in s. 390.01114, F.S., which is now referred to as the "Parental Notice of and Consent for Abortion Act."](#)

<sup>6</sup> Section [390.01114\(4\)\(b\) and \(5\)\(b\), F.S.](#), provides several exceptions to the notice and consent requirements. For example, parental notice is not required if a physician certifies that a medical emergency exists and there is not enough time to obtain consent; when a notice has been waived by a minor who is, or has been married; when a minor has had the disability of nonage removed; or because the patient has a minor child dependent on her. Parental consent is not required if notice is not required because the minor's parent or legal guardian has waived the right to receive notice and waived the right to consent in a signed and notarized statement. Finally, notice and consent are not required if the minor has obtained a judicial waiver from the circuit court.

<sup>7</sup> S. [390.01114\(4\)\(a\) and \(5\)\(a\), F.S.](#)

<sup>8</sup> S. [390.01114\(5\) and \(6\), F.S.](#)

<sup>9</sup> S. [390.01114\(6\)\(a\), F.S.](#)

<sup>10</sup> S. [390.01114\(6\)\(b\), F.S.](#)

<sup>11</sup> S. [390.01114\(6\)\(c\), F.S.](#)

<sup>12</sup> *Id.*

<sup>13</sup> S. [390.01114\(6\)\(d\), F.S.](#)

Any information that can be used to identify a minor petitioning a circuit court for a judicial waiver of the notice requirements under the Act is confidential and exempt if held by a circuit court or appellate court, or if held by the Office of Criminal Conflict and Civil Regional Council or the Justice Administrative Commission.<sup>14</sup> The OGSR review for the public records exemption relating to the judicial bypass proceeding for parental notification was conducted in 2015.<sup>15</sup>

### **The Office of Criminal Conflict and Civil Regional Council**

The Legislature created the Office of Criminal Conflict and Civil Regional Council in 2007 to represent people entitled to court-appointed counsel.<sup>16</sup> When a minor initiates a judicial bypass proceeding in the circuit court, a private court-appointed attorney is available to represent her upon request.<sup>17</sup> Current law provides that private court-appointed counsel approved for this type of work must be used first for minors who request counsel, but if no attorney is available through the clerk’s list of attorneys, then the Office of Criminal Conflict and Civil Regional Council in that area may supply an attorney for the proceedings.<sup>18</sup>

### **Justice Administrative Commission**

The Justice Administrative Commission is a state agency that was created in 1965 to provide administrative services for judicial-related offices.<sup>19</sup> One of the Commission’s roles is to process the invoices for the attorneys who volunteer for the judicial bypass cases.

### **Public Record Exemption under Review**

In 2020, the Legislature created a public record exemption for any information held by a circuit or appellate court, the Office of Criminal Conflict and Civil Regional Council, or the Justice Administrative Commission that can be used to identify a minor who is petitioning a circuit court for a judicial waiver of parental consent under the Parental Notice of Consent for Abortion Act.

The 2020 public necessity statement<sup>20</sup> provided that the information contained in a court record that could identify a minor who is petitioning the court for a waiver from the parental consent requirement before a minor may obtain an abortion is sensitive and personal information, and if released, “could harm the reputation of the minor,” as well as “jeopardize the safety of the minor in instances when child abuse or child sexual abuse against her is present by exposing her to further acts of abuse from an abuser.”<sup>21</sup>

Pursuant to the OGSR Act, the exemption will repeal on October 2, 2025, unless saved from repeal by the Legislature.<sup>22</sup>

During the 2024 interim, House and Senate committee staff surveyed the county clerks of court, the Office of Criminal Conflict and Civil Regional Council, and the Justice Administrative Commission to determine whether such entities support the continuance of the public record exemption for the personal identifying information of a minor seeking a judicial bypass. The survey results conveyed that the exemption should be reenacted as is.

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<sup>14</sup> S. 390.01116, F.S.

<sup>15</sup> Ch. 2015-74, L.O.F.

<sup>16</sup> Ch. 2007-62, L.O.F.; see s. 27.511, F.S.

<sup>17</sup> Section 27.40(3)(a), F.S., provides that the chief judge of the circuit maintains a list of qualified attorneys in private practice, by county and by category of cases, and provides the list to the clerk of court in each county.

<sup>18</sup> S. 27.511(6)(a), F.S.

<sup>19</sup> S. 43.16, F.S. See also Justice Administrative Commission, *About* (last visited Mar. 16, 2025).

<sup>20</sup> Art. I, s. 24(c), FLA. CONST., requires each public record exemption to “state with specificity the public necessity justifying the exemption.”

<sup>21</sup> Ch. 2020-148, L.O.F.

<sup>22</sup> S. 390.01118(2), F.S.

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## BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Orig. Comm.: Government Operations Subcommittee</a>	16 Y, 0 N	3/25/2025	Toliver	Walker
<a href="#">State Affairs Committee</a>	25 Y, 0 N	4/2/2025	Williamson	Walker