20-185-04

1   Senate Joint Resolution No. _____
2   A joint resolution proposing the creation of
3   Section 22 of Article X of the State
4   Constitution, relating to miscellaneous
5   matters, to require that a parent or guardian
6   of the minor be given prior notice of a
7   physician's intention to perform or induce a
8   termination of the pregnancy of a minor younger
9   than 16 years of age.
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11 Be It Resolved by the Legislature of the State of Florida:
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13   That the creation of the following Section 22 of
14 Article X of the State Constitution is agreed to and shall be
15 submitted to the electors of this state for approval or
16 rejection at the next general election or at an earlier
17 special election specifically authorized by law for that
18 purpose:
19   ARTICLE X
20   MISCELLANEOUS
21   SECTION 22. Parental notice of abortion.--
22   (a) NOTICE REQUIREMENT. Notwithstanding subsection
23 (b), a termination of pregnancy may not be performed or
24 induced upon a minor who is younger than 16 years of age
25 unless the physician performing or inducing the termination of
26 pregnancy has given at least 48 hours' actual notice to one
27 parent or to the legal guardian of the pregnant minor of the
28 physician's intention to perform or induce the termination of
29 pregnancy and has simultaneously provided to the parent or
30 guardian a sworn affidavit that the termination of pregnancy
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 1 | will be performed by a licensed physician in accordance with
 2 | health and safety standards required for medical facilities.
 3 | (b) EXCEPTIONS. Notice under subsection (a) is not
 4 | required if:
 5 | (1) A medical emergency exists and there is
 6 | insufficient time for the attending physician to comply with
 7 | the notification requirements. If a medical emergency exists,
 8 | the physician may proceed but must document in the patient's
 9 | medical records the reasons for the medical necessity.
10 | (2) The minor is married.
11 | (3) The minor obtains from a circuit court a waiver of
12 | the notice requirement.
13 | a. Such a waiver must be based on one of the following
14 | grounds:
15 | 1. There is evidence of child abuse or sexual abuse of
16 | the minor by one or both of her parents or her guardian; or
17 | 2. The notification of a parent or guardian is not in
18 | the best interest of the minor.
19 | b. A physician who intends to perform or induce a
20 | termination of pregnancy upon a minor under the age of 16
21 | years shall, at least 72 hours before the termination is to be
22 | performed or induced, inform the minor that she has the option
23 | of seeking a waiver of notice and shall provide a reasonable
24 | amount of information about how to apply for such a waiver.
25 | c. Court proceedings under this subsection must be
26 | given precedence over other pending matters to the extent
27 | necessary to ensure that the court reaches a decision
28 | promptly.
29 | (c) CONSTRUCTION. This section prevails over the
30 | right of privacy provided herein.
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 1 | BE IT FURTHER RESOLVED that the following statement be
 2 | placed on the ballot:
 3 | CONSTITUTIONAL AMENDMENT
 4 | ARTICLE X, SECTION 22
 5 | PARENTAL NOTIFICATION OF MINOR'S TERMINATION OF
 6 | PREGNANCY.--Proposing an amendment to the State Constitution
 7 | to require a physician, before terminating the pregnancy of a
 8 | minor younger than 16 years of age, to notify a parent or
 9 | guardian of the minor of the proposed termination; providing
10 | exceptions if a documented medical emergency results in
11 | insufficient time to comply, if the minor is married, or if
12 | the minor has obtained from the circuit court a waiver of
13 | notice requirements based on a finding of child abuse or
14 | sexual abuse by the parent or guardian or that a waiver is in
15 | the minor's best interest. Providing that this section
16 | prevails over the constitutional right of privacy.
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