



1           Section 3. (1) The Legislature finds that it is a  
2 public necessity to keep confidential and exempt from public  
3 disclosure information contained in a court record which could  
4 be used to identify a minor who is petitioning the court for a  
5 waiver from the statutory requirement that a parent or legal  
6 guardian be notified when a minor seeks to terminate her  
7 pregnancy. The information contained in these records is of a  
8 sensitive, personal nature regarding a minor petitioner,  
9 release of which could harm the reputation of the minor, as  
10 well as jeopardize her safety. Disclosure of this information  
11 could jeopardize the safety of the minor in instances when  
12 child abuse or child sexual abuse against her is present by  
13 exposing her to further acts of abuse from an abuser who,  
14 without the confidentiality and exemption, could learn of the  
15 minor's pregnancy, her plans to terminate the pregnancy, and  
16 her petition to the court.

17           (2) The Legislature further finds that it is a public  
18 necessity to keep this identifying information in records held  
19 by the court confidential and exempt in order to protect the  
20 privacy of the minor. The State Constitution contains an  
21 express right of privacy in Section 23 of Article I. Further,  
22 the United States Supreme Court has repeatedly required  
23 parental-notification laws to contain judicial-bypass  
24 procedures and to preserve confidentiality at every level of  
25 court proceedings in order to protect the privacy rights of  
26 the minor. Without the confidentiality and exemption provided  
27 in this act, the disclosure of personal identifying  
28 information would violate the right of privacy of the minor.  
29 Further, without the confidential and exempt status for this  
30 information, the constitutionality of the state's program  
31 providing for notification of a minor's termination of

1 pregnancy, and the judicial-bypass procedure in particular,  
2 would be in question. Thus, the confidentiality and exemption  
3 provided in this act are also necessary for the effective  
4 administration of the state's program, which administration  
5 would be impaired without the exemption.

6 Section 4. This act shall take effect on the same day  
7 that Senate Bill 1908 or similar legislation providing for  
8 parental notice of a minor's abortion takes effect, if the  
9 legislation is adopted in the same legislative session or an  
10 extension thereof and becomes law.

11  
12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
13 COMMITTEE SUBSTITUTE FOR  
14 Senate Bill 798

15 Amends s. 390.01116, F.S., to expand the existing exemption  
16 for information in documents related to a petition of a minor  
to waive parental notification of abortion.

17 The exemption is expanded to cover information in "records,"  
18 which is a broader term than "documents," because s. 119.011,  
F.S., includes tapes, sound recordings, video recordings,  
19 among others.

20 Contains a statement of public necessity.

21 Provides that the exemption is subject to the Open Government  
22 Sunset Review Act of 1995 and will expire October 2, 2010,  
unless reviewed and saved from repeal.