

BILL ORIGINAL YEAR

1 A bill to be entitled
 2 An act relating to a review under the Open Government
 3 Sunset Review Act; amending s. 390.01116, F.S., which
 4 provides an exemption from public records requirements for
 5 information that could identify a minor which is contained
 6 in a record relating to a minor's petition to waive notice
 7 requirements when terminating a pregnancy; expanding the
 8 exemption to include such information held by the Office
 9 of Criminal Conflict and Civil Regional Counsel or the
 10 Justice Administrative Commission; making editorial
 11 changes; providing for future legislative review and
 12 repeal of the exemption under the Open Government Sunset
 13 Review Act; providing a statement of public necessity;
 14 repealing s. 2, ch. 2005-104, Laws of Florida, which
 15 provides for repeal of the exemption; providing an
 16 effective date.

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

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 20 Section 1. Section 390.01116, Florida Statutes, is amended
 21 to read:

22 390.01116 Public record exemptions; minors seeking waiver
 23 of notice requirements ~~petition; confidentiality.~~

24 (1) Any information that can be used to identify ~~When a~~
 25 minor petitioning ~~petitions~~ a circuit court for a judicial
 26 waiver, as provided in s. 390.01114, of the notice requirements
 27 under the Parental Notice of Abortion Act ~~pertaining to a minor~~

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28 ~~seeking to terminate her pregnancy, any information in a record~~
 29 ~~held by the circuit court or an appellate court which could be~~
 30 ~~used to identify the minor is:~~

31 (a) Confidential and exempt from s. 119.07(1) and s.
 32 24(a), Art. I of the State Constitution if held by a circuit
 33 court or an appellate court.

34 (b) Confidential and exempt from s. 119.07(1) and s.
 35 24(a), Art. I of the State Constitution if held by the Office of
 36 Criminal Conflict and Civil Regional Counsel or the Justice
 37 Administrative Commission.

38 (2) Paragraph (1)(b) is subject to the Open Government
 39 Sunset Review Act in accordance with section 119.15, Florida
 40 Statutes, and shall stand repealed on October 2, 2015, unless
 41 reviewed and saved from repeal through reenactment by the
 42 Legislature.

43 Section 2. The Legislature finds that it is a public
 44 necessity to make confidential and exempt from public records
 45 requirements any information that can be used to identify a
 46 minor petitioning a circuit court for a judicial waiver from the
 47 statutory requirement that a parent or legal guardian be
 48 notified when that minor seeks to terminate her pregnancy when
 49 such information is held by the Office of Criminal Conflict and
 50 Civil Regional Counsel or the Justice Administrative Commission.
 51 The information contained in these records is of a sensitive,
 52 personal nature regarding a minor petitioner, release of which
 53 could harm the reputation of the minor, as well as jeopardize
 54 her safety. Disclosure of this information could jeopardize the

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55 safety of the minor in instances when child abuse or child
 56 sexual abuse against her is present by exposing her to further
 57 acts of abuse from an abuser who, without the public record
 58 exemption, could learn of the minor's pregnancy, her plans to
 59 terminate the pregnancy, and her petition to the court. The
 60 Legislature further finds that it is a public necessity to keep
 61 this identifying information in records held by the Office of
 62 Criminal Conflict and Civil Regional Counsel or the Justice
 63 Administrative Commission confidential and exempt in order to
 64 protect the privacy of the minor. The State Constitution
 65 contains an express right of privacy in Section 23 of Article I.
 66 Further, the United States Supreme Court has repeatedly required
 67 parental-notification laws to contain judicial-bypass procedures
 68 and to preserve confidentiality at every level of court
 69 proceedings in order to protect the privacy rights of the minor.
 70 Without the public record exemption provided in this act, the
 71 disclosure of personal identifying information would violate the
 72 right of privacy of the minor. Further, without the confidential
 73 and exempt status for this information, the constitutionality of
 74 the state's program providing for notification of a minor's
 75 termination of pregnancy, and the judicial-bypass procedure in
 76 particular, would be in question. Thus, the public record
 77 exemption provided in this act is necessary for the effective
 78 administration of the state's program, which administration
 79 would be impaired without the exemption.

80 Section 3. Section 2 of chapter 2005-104, Laws of Florida,
 81 is repealed.

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Section 4. This act shall take effect upon becoming a law.