



**FLORIDA CONFERENCE OF CATHOLIC BISHOPS**  
**CATHOLIC DAYS AT THE CAPITOL**

**PARENTAL CONSENT FOR ABORTION**  
**SB 404 (Stargel) / HB 265 (Grall)**

***Support parental consent prior to a minor's abortion.***

**BILL PROVISIONS:**

Requires that a parent shall provide consent before a minor can terminate her pregnancy. The bills include a judicial bypass for certain circumstances.

**BACKGROUND:**

The U.S. Supreme Court (SCOTUS) has upheld laws requiring parental consent prior to a minor's abortion, as long as the child can petition the court for a waiver in certain circumstances, such as in cases of parental abuse. However, a law similar to those upheld by SCOTUS was successfully challenged in our state in 1989, citing concerns with the judicial bypass procedure and privacy rights.

Florida voters later approved a constitutional amendment to require parental *notification* prior to a minor's abortion. The Florida legislature passed legislation to implement the amendment and these laws remain in effect in Florida today.

**RATIONALE:**

The Florida Supreme Court's concerns with the judicial bypass procedure cited in striking down Florida's former parental consent law are addressed in the bills currently proposed.

This legislation will ensure parents give consent before an abortion, as they must do in most every case prior to a minor's medical treatment. Standards that relate to children's health care should apply especially in the context of abortion because of the life-altering decision it entails. When parental abuse is a concern, the minor can petition the court for a waiver from the consent requirement.

**OPPONENTS' LIKELY OBJECTIONS AND RESPONSES:**

**OBJECTION 1:** This type of bill was already passed in Florida and successfully challenged in the courts.

**RESPONSE 1:** The Florida Supreme Court cited concerns in the 1989 case *In re: T.W.* regarding the judicial bypass procedure. Concerns are addressed and corrected in this bill by least restrictive means and may suffice for the courts (for example, provides counsel for an indigent minor and establishes a record that can be appealed if the judicial bypass is denied).

**OBJECTION 2:** A minor should be able to decide for herself whether she is ready to parent a child.

**RESPONSE 2:** This is a life-changing and permanent decision. The support of the pregnant minor's family is critical for her emotional well-being in addition to her physical well-being. Parental involvement will assist her in navigating the health care system, providing medical information to the healthcare provider, assisting with follow-up medical care, and monitoring complications.

**OBJECTION 3:** What if a child fears her parents will become abusive or if the pregnancy is a result of parental sexual abuse?

**RESPONSE 3:** The pregnant minor would be eligible for a judicial waiver in these circumstances.

**SPONSOR AND CO-SPONSORS:**

**SB 404** – Sponsor: Stargel; Co-Sponsors: Albritton, Baxley, Broxson, Diaz, Gruters, Harrell, Hutson, Mayfield

**HB 265** – Sponsor: Grall; Co-Sponsors: Andrade, Beltran, Byrd, Daniels, Gregory, Hage, Hill, Killebrew, Perez, Plakon, Ponder, Roach, Robinson, Rodriguez (AM), Sabatini, Stone, Yarborough, Zika

**STATUS:**

**SB 404** – Passed Health Policy; Judiciary; Rules

**Senate Health Policy Committee Vote (12/10; 6-3)**

Y Baxley	Y Bean	- Berman	N Book	N Cruz	Y Diaz
Y Harrell	Y Hooper	Y Mayfield	N Rouson		

**Senate Judiciary Committee Vote (1/15; 3-2)**

Y Baxley	N Gibson	- Hutson	N Rodriguez	Y Simmons	Y Stargel
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**Senate Rules Committee Vote (1/22; 9-7)**

Y Benacquisto	N Book	Y Bradley	Y Brandes	N Braynon	N Farmer
Y Flores	N Gibson	- Hutson	Y Lee	N Montford	Y Passidomo
N Rodriguez	Y Simmons	Y Simpson	Y Stargel	N Thurston	

**HB 265** – Passed Health & Human Services

**House Health & Human Services Committee Vote (10/22;12-6)**

N Brown	Y Burton	N Cortes	Y DiCeglie	N Duran	N Goff-Marcil
Y Grant, M.	N Jones	Y Leek	Y Magar	N Mercado	Y Pigman
Y Plakon	Y Ponder	Y Roach	Y Rodrigues, R.	- Slosberg	Y Stevenson
Y Yarborough					

***For additional information, please contact:***

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