

**IN THE THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER S-2023-042
(Supersedes Administrative Order S-2021-043)**

**PARENTAL NOTICE OF AND CONSENT
FOR ABORTION ACT CASES**

The Parental Notice of and Consent for Abortion Act (Act), section 390.01114, Florida Statutes, prohibits the performance or induction of a termination of pregnancy upon a minor unless the physician performing or inducing the termination of pregnancy has obtained written consent from a parent or guardian, with certain exceptions. One of the exceptions is a judicial waiver of the requirements of the Act. The court is required to give these proceedings precedence over other pending matters to the extent necessary to ensure that the court reaches a decision within three business days after a petition is filed.

It is necessary for the prompt and efficient administration of justice to clarify the internal process for handling Parental Notice of and Consent for Abortion Act cases to ensure that proceedings under this Act are handled in an expeditious manner. By the power vested in the chief judge under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; and Florida Rule of General Practice and Judicial Administration 2.215(b)(2), it is ORDERED:

1. Filing of Petition

All petitions seeking a judicial waiver of the requirements of section 390.01114, Florida Statutes, will be filed in the Juvenile Dependency Division.

2. Assignment of Case

Immediately upon filing, the Clerk of the Circuit Court (clerk) will assign the petition to Juvenile Dependency Specialty Division "V." If the judge assigned to Juvenile Dependency Specialty Division "V" is unable to consider the petition and conduct a hearing within the time limits provided by law, the judge or that judge's judicial

assistant must immediately notify the clerk. If the clerk is notified that the judge assigned to Juvenile Dependency Specialty Division “V” is unable to timely consider the petition, the clerk will immediately assign the petition to the duty judge assigned for that day. The duty judge assigned for that day will consider the petition, conduct an informal hearing, and issue a ruling on the petition within the time limits provided by law even if the duty judge must conduct the hearing and issue a ruling after the duty judge’s duty week concludes.

3. Clerk to Contact Assigned Judge

The clerk will immediately contact the assigned judge by telephoning or otherwise communicating with the assigned judge’s judicial assistant. If the judicial assistant or assigned judge cannot be immediately contacted, the clerk will contact the duty judge who will handle the matter.

4. Appointment of Counsel

If the minor is not represented by counsel and has requested counsel in the petition, the clerk or the assigned judge’s judicial assistant will contact the next attorney on the Chief Judge Registry that can be found on the Thirteenth Judicial Circuit’s webpage at www.fljud13.org. If the attorney is not immediately available to assist the petitioner, the next attorney on the registry should be contacted until an attorney is located to represent the petitioner. If the petitioner is not represented by counsel and has not requested counsel in the petition, the judge should immediately conduct a hearing to advise the petitioner that she has a right to court-appointed counsel at no cost to her, and after inquiry, appoint counsel if requested by the petitioner or as the circumstances require. In accordance with Florida Rule of Juvenile Procedure 8.815, the judge must, if requested by the minor, provide counsel for the minor at least 24 hours before the hearing.

5. Three-Business-Day Rule

Proceedings arising out of these petitions will be given precedence over other pending matters and will be heard in closed court immediately, on the same day the petition is filed, if possible.

If a hearing cannot be held immediately, the clerk will coordinate a hearing time with the assigned judge and then provide notice of the hearing to the petitioner in accordance with Florida Rule of Juvenile Procedure 8.805(d). The court must rule and issue written findings of fact and conclusions of law (see Florida Rule of Juvenile Procedure Forms 8.990 and 8.991) within three business days from the time the petition is filed, except that the three business day limitation may be extended at the request of the petitioner. If the court fails to rule within the three business day period and an extension has not been requested, the petitioner may immediately petition for a hearing upon the expiration of the three business day period to the chief judge who will ensure a hearing is held within 48 hours after receipt of the minor's petition and an order is entered within 24 hours after the hearing.

6. Transcript

If the duty judge is assigned to consider the petition and the duty judge is a judge who regularly presides in a division without court reporters provided by the court, the duty judge's judicial assistant will immediately contact the court operations department so that a court reporter can be assigned for the hearing. After the hearing, the assigned judge will direct that an expedited transcript be produced by the court reporter as soon as possible and immediately delivered to the court for inclusion with the court's written findings if the court intends not to grant the petition.

7. Confidentiality

As provided by section 390.01116, Florida Statutes, and Florida Rule of Juvenile Procedure 8.835(a), any information including the petition, documents, transcripts, recordings of cases, and any other information that could be used to identify a minor who has petitioned the court for a judicial waiver of parental notice of termination of pregnancy is confidential and exempt from public disclosure. As provided by Rule 8.835(b), the court file must be sealed unless otherwise ordered by the court. Judges are encouraged to (1) hold such hearings at a place and time that will provide the maximum privacy to the minor; (2) ensure that unauthorized persons are not in the courtroom or hearing room; (3)

ensure that unauthorized persons cannot see or hear the proceedings; and (4) recognize the sensitive nature of these proceedings.

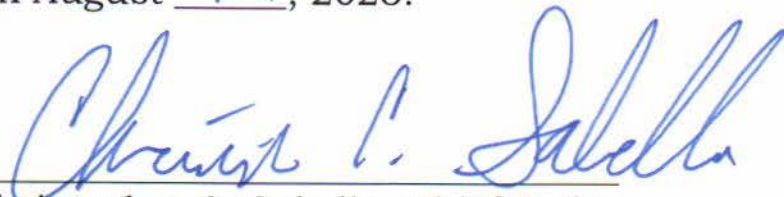
8. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order S-2021-043 (*Parental Notice of and Consent for Abortion Act Cases*).

9. Effective Date

This administrative order is effective immediately.

ENTERED on August 9th, 2023.



Christopher C. Sabella, Chief Judge

Original: Cindy Stuart, Clerk of the Circuit Court
Copy to: All Judges
Record Transcripts, Incorporated