

SUPREME COURT OF FLORIDA

State v. Presidential Women's Center

937 So. 2d 114 (Fla. 2006) · No. SC04-2186 · Decided April 6, 2006

SUMMARY

The Supreme Court of Florida reviewed a decision holding provisions of Florida's Woman's Right to Know Act unconstitutional. The court construed the informed-consent requirements to apply to the individual patient's circumstances and to medical risks בלבד, held section 390.0111(3)(a)(1) constitutional under those constructions, reversed the Fourth District Court of Appeal, vacated its attorney-fee award, and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Lewis, J.; Pariente, C.J.; Wells, J.; Anstead, J.; Quince, J.; Cantero, J.; Bell, J.
JURISDICTION	Florida
DECIDED	April 6, 2006
DOCKET	SC04-2186
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State appealed the Fourth District Court of Appeal's decision affirming a summary final judgment declaring section 390.0111(3)(a)(1), Florida Statutes, facially unconstitutional. The Supreme Court of Florida exercised jurisdiction under article V, section 3(b)(1), of the Florida Constitution.
STANDARD OF REVIEW	De novo review applies to a trial court's ruling on summary judgment presenting a pure question of law. Constitutional questions and statutory interpretation were likewise reviewed independently.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion; precedential.
PARTIES	State of Florida, et al. v. Presidential Women's Center, et al.

TOPICS

- informed consent
- health law
- void for vagueness
- statutory interpretation
- appellate procedure

PRACTICE AREAS

constitutional law

health law

statutory interpretation

appellate procedure

QUESTIONS PRESENTED

1. Whether section 390.0111(3)(a)(1), Florida Statutes, is unconstitutionally vague because of its reasonable-patient standard.
2. Whether the provision is unconstitutionally vague because the term risks could be read to include nonmedical risks.
3. Whether the provision violates constitutional privacy rights by requiring informed consent before termination of pregnancy.
4. Whether the Fourth District's attorney-fee award should stand after reversal of the summary judgment.

HOLDINGS

1. The reasonable-patient standard refers to a reasonable patient under the individual circumstances of the patient presenting for the procedure, not to a generalized hypothetical patient. Construed in that manner, the provision is not unconstitutionally vague.
2. The word risks in the challenged provision refers exclusively to medical risks associated with terminating or continuing the pregnancy, not social, economic, or other nonmedical risks.
3. Section 390.0111(3)(a)(1), as construed by the court, is not unconstitutional. The lower courts erred in declaring the provision unconstitutional on vagueness grounds, and the court did not invalidate the provision under the constitutional privacy challenge.

KEY QUOTATIONS

“The termination of a pregnancy is unquestionably a medical procedure and we conclude that, as with any other medical procedure, the State may require physicians to obtain informed consent from a patient prior to terminating a pregnancy.” (118)

“We adopt the State's interpretation of the "reasonable patient" language because statutory provisions should not be construed in a manner that would lead to an absurd result” (119)

“By interpreting the term "reasonable patient" to be a reasonable patient under the particular patient's circumstances, and the word "risks" to encompass solely and exclusively medical risks, we agree with the State and conclude that subsection (3)(a)(1) of the Act constitutes a neutral informed consent statute” (120)

FACTUAL BACKGROUND

In 1997, the Florida Legislature enacted the Woman's Right to Know Act, which generally requires voluntary and informed written consent before a termination of pregnancy. The challenged provision required a physician or referring physician to provide information concerning the nature and medical risks of undergoing or not undergoing the procedure, the probable gestational age of the fetus, and the medical risks of carrying the pregnancy to term. Presidential challenged the provision as violating privacy rights and as unconstitutionally vague.

PROCEDURAL HISTORY

Presidential filed a constitutional challenge to Florida's Woman's Right to Know Act in the Fifteenth Judicial Circuit Court. The trial court entered a temporary injunction, later granted Presidential's motion for summary judgment, and held the Act facially unconstitutional based on privacy and vagueness grounds. The Fourth District affirmed both the injunction-related ruling and the summary judgment. The Florida Supreme Court reversed the district court's decision and remanded, while vacating the district court's attorney-fee award.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for further proceedings consistent with the opinion. The court limited its decision to section 390.0111(3)(a)(1); the remaining provisions of the Act challenged in the original complaint remained for consideration by the trial court. The Fourth District's attorney-fee award was vacated.

CASES CITED

- State v. Presidential Women's Ctr., 707 So. 2d 1145 (Fla. 4th DCA 1998)
- State v. Presidential Women's Ctr., 884 So. 2d 526 (Fla. 4th DCA 2004)
- Major League Baseball v. Morsani, 790 So. 2d 1071, 1074 (Fla. 2001)
- Indus. Fire & Cas. Ins. Co. v. Kwechin, 447 So. 2d 1337, 1339 (Fla. 1983)
- Hiers v. Mitchell, 95 Fla. 345, 116 So. 81, 84 (1928)
- Thomas v. Berrios, 348 So. 2d 905, 907 (Fla. 2d DCA 1977)
- Bowers v. Talmage, 159 So. 2d 888, 889 (Fla. 3d DCA 1963)
- Chambers v. Nottebaum, 96 So. 2d 716, 719 (Fla. 3d DCA 1957)
- Mohr v. Williams, 95 Minn. 261, 104 N.W. 12, 14-15 (1905)
- Cruzan v. Dir., Mo. Dep't of Health, 497 U.S. 261, 269 (1990)
- Union Pacific Ry. Co. v. Botsford, 141 U.S. 250, 251 (1891)
- In re Guardianship of Browning, 568 So. 2d 4, 10 (Fla. 1990)
- Warner v. City of Boca Raton, 887 So. 2d 1023, 1033 n. 9 (Fla. 2004)
- D'Alemberte v. Anderson, 349 So. 2d 164, 166 (Fla. 1977)
- Cline v. Frink Dairy Co., 274 U.S. 445, 459 (1927)
- Arato v. Avedon, 5 Cal. 4th 1172, 23 Cal. Rptr. 2d 131, 858 P.2d 598, 608-09 (1993)
- Maggio v. Fla. Dep't of Labor & Emp. Sec., 899 So. 2d 1074, 1076 (Fla. 2005)
- Scenic Hills Utility Co. v. City of Pensacola, 156 So. 2d 874, 876 (Fla. 1st DCA 1963)

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