**Case No.: SC2023-1392**

REPLY BRIEF OF FAMILY FOR LIFE (JACKSONVILLE, FLORIDA) IN OPPOSITION TO THE PROPOSED BALLOT INITIATIVE RE: LIMITING GOVERNMENT INTERFERENCE WITH ABORTION Case No.: SC2023-1392 *Initial copy sent via mail postmarked February 2, 2024. Copy with additional signatures to be hand-delivered February 6, 2024. Case to be heard February 7, 2024.*[1]

Family for LIFE, based in Jacksonville, Florida, is a movement of Christians, united as one voice in the defense of the unborn, acting only in a peaceful, prayerful, legal, and loving manner. We support Florida's current sensible abortion curbs[2] and oppose the ballot initiative now before you, which would render these protections impermissibly moot. While we a Family for Life have scientific and ethical reasons for our views, in this letter we focus on the legal grounds for opposing this particular amendment.

The proposed amendment reads as follows*:*

> *"**Limiting Government Interference with Abortion**. Except as provided in Article X, Section 22, no law shall prohibit, penalize, delay, or restrict abortion before viability or when necessary to protect the patient's health, as determined by the patient's healthcare provider."* The ballot summary adds "*This amendment does not change the Legislature's constitutional authority to require notification to a parent or guardian before a minor has an abortion."*

We respectfully ask the Court to declare this ballot initiative invalid on the basis of improper, ambiguous, confusing, and misleading wording.

***Wording is improper***. The very title of the amendment says that it will *"Limit Government Interference with Abortion."* The amendment would do more than *limit* the government's ability to protect unborn babies and their mothers against the harms of abortion; it would prevent this ability altogether. Furthermore, the word "interference" has a pejorative connotation in common usage and in the law. According to the Legal Information Institute, "Broadly speaking, interference in a legal setting is wrongful conduct that prevents or disturbs another in the performance of their usual activities, in the conduct of their business or contractual relations, or in the enjoyment of their full legal rights."[3] This language wrongly implies that abortion is a normal activity to which one has a protected right.

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[1] February 2024 Summaries - Supreme Court (flcourts.gov)

[2] http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0390/Sections/0390.0111.html

[3] https://www.law.cornell.edu/wex/interference

***Wording is ambiguous***. Furthermore, if passed, this constitutional amendment would violate Florida law at Title IX, Chapter 101, Section 161 on Referenda, Ballots[4], which states:

> "*Whenever a constitutional amendment or other public measure is submitted to the vote of the people, a ballot summary of such amendment or other public measure shall be printed in clear and unambiguous language on the ballot … followed by the word 'yes' and also by the word 'no,' and shall be styled in such a manner that a 'yes' vote will indicate approval of the proposal and a "no" vote will indicate rejection*."

The language of this ballot measure is *not* "unambiguous." In fact, it is so ambiguous as to be practically without discernable meaning. The proposed amendment states "*before viability or when necessary to protect the patient's health, as determined by the patient's healthcare provider."* The following words are ambiguous in context: "viability" "protect," "determined," "health," and "healthcare provider." While these terms may sound benign, nothing in this wording would prevent the abortion of a 22-week old baby (or even an older one) based on mere opinion about a patient's health (including mental health) on the part of an unlicensed doula.

***Wording is confusing***. The amendment has multiple subjects, not just one. This contradicts Article XI Section 3 of the Florida Constitution, which states that *"The power to propose the revision or amendment of any portion or portions of this constitution by initiative is reserved to the people, provided that, any such revision or amendment, except for those limiting the power of government to raise revenue, shall embrace but one subject and matter directly connected therewith*." This amendment has at least two subjects namely the viability of a fetus and the health of the patient, and, as mentioned, neither is defined.

***Wording is misleading***. The proposed amendment (in the text and in the ballot summary) assures the voter that it will not change the legislature's authority to require parent or guardian *notification*, as required in Article X, Section 22, enacted u 2004. But this wording glaringly omits mention of the Florida statute that has superseded it, namely Chapter XXIX, Section 390.01114, updated in 2020, concerning *parental notice of and consent for abortion*.[5]

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[4] https://www.flsenate.gov/Laws/Statutes/2023/0101.161

[5] http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0390/Sections/0390.01114.html

Family for LIFE volunteers believe that many voters would not have signed this measure if they had understood what the full impact of this measure may be—a free for all for abortion in Florida based on unconstitutional law. We beg the Court to declare the initiative invalid.

Sincerely,

Family for LIFE

Jacksonville, Florida

FamilyforLife.info

904-541-6564

*(This letter was signed and mailed on February 2, 2024 by Fernandina Beach resident Alexandra R. Lajoux. A copy with multiple signatures will be hand-delivered to the Court on February 6, 2024.)*