

OFFICE OF THE ATTORNEY
GENERALASHLEY MOODY
ATTORNEY GENERAL
STATE OF FLORIDAPL-01 The Capitol
Tallahassee, FL 32399-1050
Phone (850) 414-3300

October 9, 2023

The Honorable Carlos Muñiz
Chief Justice, and Justices of
The Supreme Court of Florida
The Supreme Court Building
Tallahassee, Florida 32399-1925

Dear Chief Justice Muñiz and Justices:

In accordance with the provisions of Article IV, Section 10, Florida Constitution, and section 16.061, Florida Statutes, it is my responsibility as Attorney General to petition this Court for a written opinion as to the validity of an initiative petition circulated pursuant to Article XI, Section 3, Florida Constitution.

On September 7, 2023, this office received a letter from the Secretary of State (a copy of which is attached) advising that the initiative petition titled "Amendment to Limit Government Interference with Abortion," No. 23-07, had met the registration, submission, and signature criteria set forth in section 15.21, Florida Statutes.

The full text of the proposed amendment, which would create a new section in Article I of the Florida Constitution, states:

ARTICLE I
DECLARATION OF RIGHTS

SECTION __. 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 title for the proposed amendment is: "Amendment to Limit Government Interference with Abortion." The ballot summary for the proposed amendment states:

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. This amendment does not change the Legislature's constitutional authority to require notification to a parent or guardian before a minor has an abortion.

Pursuant to Rule 9.510(b), Florida Rules of Appellate Procedure, this petition provides the following information:

1. The name and address of the sponsor of the initiative petition:

Raymer Maguire
Chairperson
Floridians Protecting Freedom, Inc.
P.O. Box 4068
Sarasota, FL 34230

2. Name and address of the sponsor's attorney, if the sponsor is represented: Unknown.

3. A statement as to whether the sponsor has obtained the requisite number of signatures on the initiative petition to have the proposed amendment put on the ballot: As of September 7, 2023, the sponsor had not obtained the requisite number of signatures to have the proposed amendment placed on the ballot.

4. The current status of the signature-collection process: As of September 7, 2023, the Supervisors of Elections had verified forms from more than 25% of the number of electors statewide in one-half of the congressional

districts of the state pursuant section 100.371(13), Florida Statutes.

5. The date of the election during which the sponsor is planning to submit the proposed amendment to the voters: Unknown. The earliest election date that this proposed amendment can be placed on the ballot is November 5, 2024, provided the sponsor successfully obtains the requisite number of valid signatures by February 1, 2024.

6. The last possible date that the ballot for the target election can be printed in order to be ready for the election: The content of the general election ballot must be finalized sufficiently in advance to allow the Supervisor of Elections to be able to meet the statutory deadline to send vote-by-mail ballots to uniformed and overseas voters no later than 45 days before the General Election which is to be held on November 5, 2024.

7. A statement identifying the date by which the Financial Impact Statement will be filed, if the Financial Impact Statement is not filed concurrently with the request: Unknown. The Financial Impact Estimating Conference was forwarded the petition in accordance with section 100.371(13), Florida Statutes.

8. The names and complete mailing addresses of all of the parties who are to be served: Unknown. Section 16.061(2), Florida Statutes, requires that a copy of the petition be provided to the Secretary of State and to the principal officer of the sponsor:

Cord Byrd
Secretary of State
Florida Department of
State
R.A. Gray Building
500 S. Bronough St.
Tallahassee, FL 32399-
0250

Raymer Maguire
Chairperson
Floridians Protecting
Freedom, Inc.
P.O. Box 4068
Sarasota, FL 34230

While not required by law, this office also provides copies of the petition to:

Ron DeSantis
Governor
State of Florida
The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-
0001

Kathleen Passidomo
President
Florida Senate
Senate Office Building
404 S. Monroe St.
Tallahassee, FL 32399-
1100

Paul Renner
Speaker, Florida House of
Representatives
420 The Capitol
402 S. Monroe St.
Tallahassee, FL 32399-
1300

In accordance with the provisions of Article IV, Section 10, Florida Constitution, I respectfully request this Court's opinion as to whether the proposed "Amendment to Limit Government Interference with Abortion" complies with the single-subject requirement of Article XI, Section 3, Florida Constitution, and whether the ballot title and summary of the amendment comply with the substantive and technical requirements in section 101.161(1), Florida Statutes. For reasons that will be set forth in the brief to be filed with the Court at the appropriate time, I submit that the aforementioned initiative does not satisfy the legal requirements for ballot placement.

Respectfully submitted.

A handwritten signature in black ink, reading "Ashley Moody". The signature is fluid and cursive, with the first name "Ashley" and last name "Moody" clearly distinguishable.

Ashley Moody
Attorney General

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing petition has been furnished electronically and by U.S. Mail on this 9th day of October, 2023, to the following:

Cord Byrd
Secretary of State
Florida Department of State
R.A. Gray Building
500 S. Bronough St.
Tallahassee, FL 32399-0250
Joseph.VandeBogart@dos.myflorida.com

Raymer Maguire
Chairperson, Floridians Protecting Freedom, Inc.
P.O. Box 4068
Sarasota, FL 34230

Ron DeSantis
Governor, State of Florida
The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001
ryan.newman@eog.myflorida.com

Kathleen Passidomo
President, Florida Senate
Senate Office Building
404 S. Monroe St.
Tallahassee, FL 32399-1100
carlos.rey@flsenate.gov

Paul Renner
Speaker, Florida House of Representatives
420 The Capitol
402 S. Monroe St.
Tallahassee, FL 32399-1300
david.axelman@myfloridahouse.gov

/s/ Nathan A. Forrester
Nathan A. Forrester (FBN 1045107)
Senior Deputy Solicitor General
Office of the Attorney General
State of Florida
PL-01, The Capitol
Tallahassee, FL 32399-1050
nathan.forrester@myfloridalegal.com



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

September 7, 2023

The Honorable Ashley Moody
Attorney General
Department of Legal Affairs
PL-01 The Capitol
Tallahassee, Florida 32399-1050

Dear Attorney General Moody:

Section 15.21, Florida Statutes, provides that the Secretary of State shall submit an initiative petition to the Attorney General when a sponsoring political committee has met the registration, petition form submission and signature criteria set forth in that section.

The criteria in section 15.21, Florida Statutes, has been met for the initiative petition titled **Amendment to Limit Government Interference with Abortion, Serial Number 23-07**. Therefore, I am submitting the proposed constitutional amendment petition form, along with a status update for the initiative petition, and a chart that provides a statewide signature count and count by congressional districts.

Sincerely,


Cord Byrd
Secretary of State

CB/am

pc: Floridians Protecting Freedom, Inc.

Enclosures

SEP 8 '23 RCVD

Attachment for Initiative Petition

Amendment to Limit Government Interference with Abortion Serial Number 22-07

1. **Name and address of the sponsor of the initiative petition:**
Raymer Maguire, Chairperson
Floridians Protecting Freedom, Inc.
Post Office Box 4068
Sarasota, FL 34230
2. **Name and address of the sponsor's attorney, if the sponsor is represented:**
Unknown.
3. **A statement as to whether the sponsor has obtained the requisite number of signatures on the initiative petition to have the proposed amendment put on the ballot:** Currently, the sponsor has not obtained the requisite number of signatures to have the proposed amendment placed on the ballot.
4. **If the sponsor has not obtained the requisite number of signatures on the initiative petition to have the proposed amendment put on the ballot, the current status of the signature-collection process:** Currently, the Supervisors of Elections have verified forms from more than 25% of the number of electors statewide in one-half of the congressional districts of the state pursuant Section 100.371(13), Florida Statutes.
5. **The date of the election during which the sponsor is planning to submit the proposed amendment to the voters:** Unknown. The earliest date of election that this proposed amendment can be placed on the ballot is November 5, 2024, provided the sponsor successfully obtains the requisite number of verified valid signatures by February 1, 2024.
6. **The last possible date that the ballot for the target election can be printed in order to be ready for the election:** The content of the general election ballot must be finalized sufficiently in advance to allow the Supervisor of Elections to be able to meet the statutory deadline to send vote-by-mail ballots to uniformed and overseas voters no later than 45 days before the General Election which is to be held on November 5, 2024.
7. **A statement identifying the date by which the Financial Impact Statement will be filed, if the Financial Impact Statement is not filed concurrently with the request:** Unknown. The Financial Impact Estimating Conference was forwarded the petition in accordance with section 100.371(13), Florida Statutes.
8. **The names and complete mailing addresses of all parties who are to be served:** This information is unknown at this time.

CONSTITUTIONAL AMENDMENT FULL TEXT

Ballot Title: Amendment to Limit Government Interference with Abortion

Ballot Summary: 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. This amendment does not change the Legislature's constitutional authority to require notification to a parent or guardian before a minor has an abortion.

Article and Section Being Created or Amended: Creates - Article 1, New Section

Full Text of the Proposed Amendment: New Section, Amendment to Limit Government Interference with Abortion

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.

Initiative Information

Date Approved 05/08/2023

Serial Number 23-07

Sponsor Name: Floridians Protecting Freedom, Inc.

Sponsor Address: Post Office Box 4068, Sarasota, FL 34230

DS-DE 156 (10-2021)

R1S2.009, Fla. Admin. Code

SUMMARY OF PETITION SIGNATURES

Political Committee: **Floridians Protecting Freedom, Inc.**

23-07 Amendment Title: **Amendment to Limit Government Interference with Abortion**

Congressional District	Voting Electors in 2022 Presidential Election	For Review		For Ballot		Signatures Certified
FIRST	425,309	8,507		34,025		4,538
SECOND	412,618	8,253	***	33,010		12,686
THIRD	395,894	7,918	***	31,672		8,832
FOURTH	402,287	8,046	***	32,183		21,202
FIFTH	428,313	8,567	***	34,266		11,553
SIXTH	429,855	8,598	***	34,389		8,740
SEVENTH	435,728	8,715	***	34,859		13,423
EIGHTH	461,782	9,236		36,943		6,953
NINTH	343,247	6,865	***	27,460		8,184
TENTH	340,944	6,819	***	27,276		18,826
ELEVENTH	427,352	8,548		34,189		7,756
TWELFTH	426,688	8,534	***	34,136		11,002
THIRTEENTH	454,849	9,097	***	36,388		20,851
FOURTEENTH	395,813	7,917	***	31,666		21,568
FIFTEENTH	374,818	7,497	***	29,986		9,909
SIXTEENTH	411,680	8,234	***	32,935		12,811
SEVENTEENTH	453,286	9,066	***	36,263		25,866
EIGHTEENTH	352,565	7,052		28,206		6,671
NINETEENTH	436,664	8,734	***	34,934		9,457
TWENTIETH	339,559	6,792	***	27,165		9,422
TWENTY-FIRST	445,876	8,918	***	35,671		15,576
TWENTY-SECOND	395,672	7,914	***	31,654		11,146
TWENTY-THIRD	410,856	8,218	***	32,869		9,059
TWENTY-FOURTH	331,931	6,639	***	26,555		8,002
TWENTY-FIFTH	387,170	7,744		30,974		5,175
TWENTY-SIXTH	319,572	6,392		25,566		3,064
TWENTY-SEVENTH	360,319	7,207		28,826		3,961
TWENTY-EIGHTH	343,381	6,868		27,471		3,509
TOTAL:	1,144,028	222,895	20	891,537	0	309,742
Statewide Total:	1,144,028	222,881	14	891,523	14	

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing petition has been furnished electronically or by U.S. Mail on this 9th day of October, 2023, to the following:

Cord Byrd
Secretary of State
Florida Department of State
R.A. Gray Building
500 S. Bronough St.
Tallahassee, FL 32399-0250
Joseph.VandeBogart@dos.myflorida.com

Raymer Maguire
Chairperson, Floridians Protecting Freedom, Inc.
P.O. Box 4068
Sarasota, FL 34230

Ron DeSantis
Governor, State of Florida
The Capitol
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Tallahassee, FL 32399-0001
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Kathleen Passidomo
President, Florida Senate
Senate Office Building
404 S. Monroe St.
Tallahassee, FL 32399-1100
carlos.rey@flsenate.gov

Paul Renner
Speaker, Florida House of Representatives
420 The Capitol
402 S. Monroe St.
Tallahassee, FL 32399-1300
david.axelman@myfloridahouse.gov

/s/ Nathan A. Forrester
Nathan A. Forrester (FBN 1045107)
Senior Deputy Solicitor General
Office of the Attorney General
State of Florida
PL-01, The Capitol
Tallahassee, FL 32399-1050
nathan.forrester@myfloridalegal.com