

LAW OFFICES

Andrew B. Sapiro P.A.

**AN OVERLY DENSE DISSERTATION ON ABORTION
AND POLITICS IN FLORIDA
APOLOGIES IN ADVANCE**

Abortion is on the ballot in Florida this November. Thanks to the Supreme Court decision in *Dobbs v. Jackson*, SC2023-1392. *Dobbs*, I'm sure you know, overturned *Roe v. Wade*. The majority in *Dobbs* found that individual States should determine a woman's right to abortion-related health care.

Florida has had a conservative state legislature, and right leaning Republican Governors, for twenty five years;

Jeb Bush [remember him?]

Charlie Crist [okay Charlie; I know it's complicated...]

Rick Scott

Ron DeSantis

So we all *knew* what would happen next. The Florida legislature's response to *Dobbs* is a law that bars most abortions after six weeks; in effect a ban on abortions. The new law, which has just gone into effect, is in keeping with post *Dobbs* abortion laws throughout the South.

Alright then, now what? Florida residents, lots and lots of them, have signed and presented a petition to amend the State Constitution to, in effect, enshrine *Roe* as Florida law on abortion. The petition was subject to a challenge before the Florida Supreme Court. The Court, in April, ruled that the petition's ballot language and summary properly informed the voter of its purpose; thereby setting the stage for placing the issue of abortion squarely with Florida voters this Fall.

So, if the health care/abortion Constitutional amendment passes this November, *Roe* is basically restored as the law in Florida. A Yes vote for this amendment makes the six week Florida abortion law go "Poof"! *But* there is a curious footnote to the Florida Supreme Court's ballot amendment Ruling. Two Dissents were issued by Justices Renatha Francis and Meredith Sasso. Both Justices expressed the opinion in their Dissents that the amendment was improperly presented, and should not be on the November '24 general election ballot. Their Dissents, if followed, would have tossed the ballot initiative:
Dobbs 1 / Roe 0.

These two Justices are recent De Santis appointed Justices. Both are generally viewed to be rather conservative. But most State Supreme Court Justice appointments, chosen by conservative Governors, are gonna be conservative to varying degrees. However, both Sasso and Francis were controversial appointments. Their experience and credentials were widely questioned at the time of their nominations by De Santis.

So here's the deal. We live in a very Red State. A Constitutional Amendment only passes with a 60% vote. That's a high bar that may not be reached. I would urge you to vote for the amendment - *if* you believe that Roe should still govern Florida women's health care.

I understand that this is not a given; stay with me for another moment. There is something else that you can do to express your view [dim, if you agree with me] of Florida's current politics. Justices Francis and Sasso will also be on the November ballot. As recent appointees, they must stand for "Merit Retention" election. Here's what that means. It means that we, the voters, get a say in their retention. And how cool is that!

So while you fill out your ballot, choose your elected representatives, and vote for/against ballot initiatives, including the issue of abortion, you can also send a clear message to our Governor about his choice of Supreme Court Justices. In fact, Florida voters can vote *against* retention of Justices Francis and Sasso. And if [we] do, their Judicial robes go "Poof"!

Now on "Earth one", this doesn't happen, like ever. And our Governor will respond to this rebuke by appointing two more super-conservative Justices to replace poor former Justices Sasso and Francis. But wow would [we] be sending a powerful message. And who knows, maybe Florida's red political glow turns a little purple.

I can dream, can't I?