



# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR

### DRAFT EXECUTIVE ORDER NUMBER 23-01

(Defending the Right to Access a Safe Abortion as guaranteed by the United States Constitution and Florida Constitution)

**WHEREAS**, the United States Supreme Court overturned a half-century of established law, inexplicably ignoring court precedent in overturning *Roe v. Wade*; and

**WHEREAS**, the United States Supreme Court has left it up to individual states to determine whether Americans still have the right to make the most personal of decisions about their health and future; and

**WHEREAS**, the Florida Constitution expressly establishes a right to privacy under Article 1, Section 23, which states “every natural person has the right to be left alone and free from governmental intrusion into the person’s private life...;” and

**WHEREAS**, the Florida Supreme Court in the 1989 *T.W.* case cited the right to privacy in the Florida Constitution in an opinion stating, “We can conceive of few more personal or private decisions concerning one’s body that one can make in the course of a lifetime;” and

**WHEREAS**, in 2012 Florida voters, majority women, overwhelmingly rejected weakening the Florida Constitution’s right to privacy pertaining to abortion care; and

**WHEREAS**, Floridians have the freedom to make decisions about their health, and the right to privacy in the Florida Constitution clearly protects the right to terminate a pregnancy; and



**WHEREAS**, the Florida Legislature in 2022 passed a bill that was signed into law banning abortion after 15 weeks, without exceptions for rape or incest, which clearly violates the Florida Constitution.

**NOW, THEREFORE, I, CHARLIE CRIST**, Governor of Florida, pursuant to the Florida Constitution, issue the following executive order:

Section 1. All state agencies that report to the governor are prohibited from aiding or participating in any attempt to prevent an abortion under the standards set forth by *Roe v. Wade* and *T.W.*.

Section 2. Under the authority vested in the governor by Article IV, Section 1(b), of the Florida Constitution, the governor will direct legal counsel to initiate judicial proceedings in the name of the State of Florida against any executive or administrative state, county, or municipal officer to enforce compliance with the privacy clause of the Florida Constitution and protect the right to receive an abortion under the standards set forth by *Roe v. Wade* and *T.W.*.

Section 3. All state agencies that report to the governor are prohibited from cooperating with any federal agency or state seeking to criminally charge any individual seeking an abortion in Florida, any licensed doctor in Florida who performs an abortion under the standards set forth by *Roe v. Wade* and *T.W.*, or any person either financially or personally aiding an individual who comes to Florida to obtain abortion care.

Section 4. All state agencies that report to the governor are prohibited from cooperating with any law enforcement agency attempting to close a facility that performs abortions under standards set forth by *Roe v. Wade* and *T.W.*, and is otherwise in good standing with the state.



Section 5. The Agency for Health Care Administration is directed to continue to reimburse for abortion care in cases of life endangerment, rape, or incest under the standards set forth by *Roe v. Wade* and *T.W.*.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, this 3rd day of January, 2023.

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CHARLIE CRIST, GOVERNOR

ATTEST:

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SECRETARY OF STATE