

**IN THE SUPREME COURT OF FLORIDA**

CASE NO. SC2022-1050

PLANNED PARENTHOOD OF SOUTHWEST AND CENTRAL  
FLORIDA, on behalf of itself, its staff, and its patients, *ET AL.*,

Petitioners,

v.

STATE OF FLORIDA, *ET AL.*,

Respondents.

---

Discretionary Proceeding to Review Decision of the  
First District Court of Appeal

Consolidated With Case No. SC2022-1127  
Lower Tribunal Nos. 1D22-2034; 2022-CA-912

---

**APPENDIX TO PETITIONERS' REPLY BRIEF**

Whitney Leigh White (PHV)  
Jennifer Dalven (PHV)  
Johanna Zacarias (PHV)  
AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION  
125 Broad Street  
New York, NY 10004  
(212) 549-2690  
wwhite@aclu.org  
jdalven@aclu.org  
jzacarias@aclu.org

*Attorneys for Petitioners Gainesville  
Woman Care, LLC; Indian Rocks  
Woman's Center, Inc.; St. Petersburg  
Woman's Health Center, Inc.; and  
Tampa Woman's Health Center, Inc.*

Daniel Tilley (FL Bar #102882)  
ACLU FOUNDATION OF FLORIDA  
4343 West Flagler St., Suite 400  
Miami, FL 33134  
(786) 363-2714  
dtalley@aclufl.org

Nicholas L.V. Warren (FL Bar  
#1019018)  
ACLU Foundation of Florida, Inc.  
336 East College Avenue, Ste. 203  
Tallahassee, FL 32301  
(786) 363-1769  
nwarren@aclufl.org

*Attorneys for Petitioners*

Autumn Katz (PHV)  
Caroline Sacerdote (PHV)  
CENTER FOR REPRODUCTIVE  
RIGHTS  
199 Water St., 22nd Floor  
New York, NY 10038  
(917) 637-3600  
akatz@reprorights.org  
csacerdote@reprorights.org

*Attorneys for Petitioner A Woman's  
Choice of Jacksonville, Inc.*

April A. Otterberg (PHV)  
Shoba Pillay (PHV)  
JENNER & BLOCK LLP  
353 N. Clark Street  
Chicago, IL 60654-3456  
(312) 222-9350  
aotterberg@jenner.com  
spillay@jenner.com

*Attorneys for Petitioners*

Benjamin James Stevenson  
(FL Bar #598909)  
ACLU FOUNDATION OF FLORIDA  
3 W. Garden St., Suite 712  
Pensacola, FL 32502  
(786) 363-2738  
bstevenson@aclufl.org

*Attorneys for Petitioners*

Jennifer Sandman (PHV)  
PLANNED PARENTHOOD  
FEDERATION OF AMERICA  
123 William Street, 9th Floor  
New York, NY 10038  
(212) 261-4584  
jennifer.sandman@ppfa.org

*Attorneys for Petitioners Planned  
Parenthood of Southwest and Central  
Florida; Planned Parenthood of South,  
East and North Florida; and Shelly  
Hsiao-Ying Tien, M.D., M.P.H.*

## TABLE OF CONTENTS

<b>Document</b>	<b>Page No.</b>
<p><i>Amendments Under Attack as Vote Nears</i>, Bradenton Herald, Oct. 29, 1980, at B-5,  <a href="https://www.newspapers.com/image/718471324/?terms=amendments%20under%20attack&amp;match=1">https://www.newspapers.com/image/718471324/?terms=amendments%20under%20attack&amp;match=1</a></p>	Pets.' App. 8
<p>Julius Karash, <i>Psychologist Stumps for Amendment</i>, Fort Myers News-Press, Oct. 3, 1980, at B-1,  <a href="https://www.newspapers.com/image/214034151/?terms=%22psychologist%20stumps%22">https://www.newspapers.com/image/214034151/?terms=%22psychologist%20stumps%22</a></p>	Pets.' App. 9
<p><i>Planned Parenthood Waving The Flag</i>, Tampa Tribune (AP), Oct. 4, 1980, at 7-D,  <a href="https://www.newspapers.com/image/335461165/?terms=%22waving%20the%20flag%22&amp;match=1">https://www.newspapers.com/image/335461165/?terms=%22waving%20the%20flag%22&amp;match=1</a></p>	Pets.' App. 10
<p>Carol Jeffares, <i>Her Love Of Life Makes Her Stand, Fight For It</i>, Tampa Tribune, Sept. 20, 1980, at 5,  <a href="https://www.newspapers.com/image/335465400/?terms=%22love%20of%20life%20makes%20her%20stand%22&amp;match=1">https://www.newspapers.com/image/335465400/?terms=%22love%20of%20life%20makes%20her%20stand%22&amp;match=1</a></p>	Pets.' App. 11
<p>Editorial, <i>Fanning the Flames</i>, Palm Beach Post, July 3, 1980, at A18,  <a href="https://www.newspapers.com/image/135023731/?terms=%22fanning%20the%20flames%22">https://www.newspapers.com/image/135023731/?terms=%22fanning%20the%20flames%22</a></p>	Pets.' App. 12
<p><i>Previous Abortion Decisions</i>, Miami Herald (AP), July 1, 1980, at 8-AW,  <a href="https://www.newspapers.com/image/628711221/?terms=previous%20abortion%20decisions&amp;match=1">https://www.newspapers.com/image/628711221/?terms=previous%20abortion%20decisions&amp;match=1</a></p>	Pets.' App. 13

<b>Document</b>	<b>Page No.</b>
<p>Richard Carelli, <i>High Court Upholds Medicaid Restrictions</i>, Miami Herald (AP), July 1, 1980, at 1A,  <a href="https://www.newspapers.com/image/628711147/?terms=high%20court%20upholds%20medicaid%20restrictions&amp;match=1">https://www.newspapers.com/image/628711147/?terms=high%20court%20upholds%20medicaid%20restrictions&amp;match=1</a></p>	<p>Pets.' App. 14-15</p>
<p><i>High Court Rules On Abortions</i>, Pensacola News (AP), June 30, 1980, at 1A,  <a href="https://www.newspapers.com/clip/118679780/the-pensacola-news/">https://www.newspapers.com/clip/118679780/the-pensacola-news/</a></p>	<p>Pets.' App. 16</p>
<p><i>Federal Judge Kills Louisiana Abortion Statute</i>, Orlando Sentinel, Mar. 4, 1980, at 4-A,  <a href="https://www.newspapers.com/image/227305504/?terms=federal%20judge%20kills%20&amp;match=1">https://www.newspapers.com/image/227305504/?terms=federal%20judge%20kills%20&amp;match=1</a></p>	<p>Pets.' App. 17</p>
<p><i>Louisiana's Anti-Abortion Law Is Tossed Out by Federal Judge</i>, Miami Herald, Mar. 4, 1980, at 12-A,  <a href="https://www.newspapers.com/image/628300500/?terms=louisiana%27s%20anti-abortion%20is%20tossed%20out&amp;match=1">https://www.newspapers.com/image/628300500/?terms=louisiana%27s%20anti-abortion%20is%20tossed%20out&amp;match=1</a></p>	<p>Pets.' App. 18</p>
<p>Aaron Epstein, <i>Court Will Examine Parents' Notification For Minor's Abortion</i>, Miami Herald, Feb. 26, 1980, at 10-A,  <a href="https://www.newspapers.com/image/628244911/?terms=%22court%20will%20examine%20parents%27%22">https://www.newspapers.com/image/628244911/?terms=%22court%20will%20examine%20parents%27%22</a></p>	<p>Pets.' App. 19</p>
<p><i>Court to Review Abortion Law that Restricts Surgery on Minors</i>, Fort Lauderdale News, Feb. 25, 1980, at 4A,  <a href="https://www.newspapers.com/image/234328555/?terms=%22court%20to%20review%20abortion%20law%20that%20restricts%22&amp;match=1">https://www.newspapers.com/image/234328555/?terms=%22court%20to%20review%20abortion%20law%20that%20restricts%22&amp;match=1</a></p>	<p>Pets.' App. 20</p>

<b>Document</b>	<b>Page No.</b>
<p>Jeff Newell, <i>Anti-Abortion Resolution Offered Fort Walton Council</i>, The Pensacola Journal (West Florida/Fort Walton Beach), Feb. 14, 1980, at 1C,  <a href="https://www.newspapers.com/image/266976719/?terms=%22anti-abortion%20resolution%20offered%22&amp;match=1">https://www.newspapers.com/image/266976719/?terms=%22anti-abortion%20resolution%20offered%22&amp;match=1</a></p>	<p>Pets.' App. 21-22</p>
<p><i>Douglas Championed the Right of Privacy for Individuals</i>, Fort Lauderdale News and Sun-Sentinel, Jan. 20, 1980, at 13A,  <a href="https://www.newspapers.com/image/234517259/?terms=douglas%20championed%20the%20Oright&amp;match=1">https://www.newspapers.com/image/234517259/?terms=douglas%20championed%20the%20Oright&amp;match=1</a></p>	<p>Pets.' App. 23</p>
<p>Aaron Epstein, <i>William O. Douglas: Champion of Underdogs, Unpopular Ideas</i>, Miami Herald, Jan. 27, 1980, at 5-E,  <a href="https://www.newspapers.com/image/628294829/?terms=champion%20of%20underdogs&amp;match=1">https://www.newspapers.com/image/628294829/?terms=champion%20of%20underdogs&amp;match=1</a></p>	<p>Pets.' App. 24</p>
<p>Craig Matsuda, <i>Dull Amendments Cover Big Issues</i>, Tallahassee Democrat, Nov. 3, 1980, at 1B,  <a href="https://www.newspapers.com/image/246048150/?terms=dull%20amendments&amp;match=1">https://www.newspapers.com/image/246048150/?terms=dull%20amendments&amp;match=1</a></p>	<p>Pets.' App. 25-26</p>
<p>Craig Matsuda, <i>State Questions Are a Mix of Roads, Water, Privacy</i>, Miami Herald, Nov. 2, 1980, at 8E,  <a href="https://www.newspapers.com/clip/118686126/the-miami-herald/">https://www.newspapers.com/clip/118686126/the-miami-herald/</a></p>	<p>Pets.' App. 27</p>

<b>Document</b>	<b>Page No.</b>
<p>Editorial, <i>Privacy, Abolition Propositions Should be Rejected at the Polls</i>, Fort Myers News-Press, Nov. 1, 1980, at 6A,  <a href="https://www.newspapers.com/image/214017512/?terms=privacy%20abolition%20proposals&amp;match=1">https://www.newspapers.com/image/214017512/?terms=privacy%20abolition%20proposals&amp;match=1</a></p>	<p>Pets.' App. 28</p>
<p>Editorial, <i>Vote to Strengthen the Right of Privacy</i>, Miami News, Oct. 31, 1980, at 12A,  <a href="https://www.newspapers.com/image/302444690/?terms=vote%20to%20strengthen%20the%20right&amp;match=1">https://www.newspapers.com/image/302444690/?terms=vote%20to%20strengthen%20the%20right&amp;match=1</a></p>	<p>Pets.' App. 29</p>
<p>Bob Kunst, Letter to the Editor, <i>He Favors Privacy Pact</i>, Tampa Times, Oct. 30, 1980, at 17A,  <a href="https://www.newspapers.com/image/334571417/?terms=kunst%20letter%20to%20the%20editor&amp;match=1">https://www.newspapers.com/image/334571417/?terms=kunst%20letter%20to%20the%20editor&amp;match=1</a></p>	<p>Pets.' App. 30</p>
<p>Jim Walker, <i>Amendments Draw Vocal Opposition</i>, Tampa Tribune, Oct. 29, 1980, at 1-B,  <a href="https://www.newspapers.com/image/335160796/?terms=amendments%20draw%20vocal%20opposition&amp;match=1">https://www.newspapers.com/image/335160796/?terms=amendments%20draw%20vocal%20opposition&amp;match=1</a></p>	<p>Pets.' App. 31-32</p>
<p>Jon Peck, <i>Voters Facing Five Amendment Decisions</i>, Tampa Times, Oct. 27, 1980, at 8-A,  <a href="https://www.newspapers.com/image/334566904/">https://www.newspapers.com/image/334566904/</a></p>	<p>Pets.' App. 33</p>

<b>Document</b>	<b>Page No.</b>
<p>Anne S. Crowley, <i>Homosexuals, Conservatives Raise Privacy Amendment Controversy</i>, Pensacola News-Journal (AP), Oct. 26, 1980, at 6C,  <a href="https://www.newspapers.com/image/266960541/?terms=%22homosexuals%2C%20conservatives%22&amp;match=1">https://www.newspapers.com/image/266960541/?terms=%22homosexuals%2C%20conservatives%22&amp;match=1</a></p>	<p>Pets.' App. 34</p>
<p>Steve Piacente, <i>Gay Rights Activist Speaks for Privacy Act</i>, Tampa Tribune, Oct. 24, 1980, at 2-B,  <a href="https://www.newspapers.com/image/335151125/?terms=%22gay%20rights%20activist%22&amp;match=1">https://www.newspapers.com/image/335151125/?terms=%22gay%20rights%20activist%22&amp;match=1</a></p>	<p>Pets.' App. 35</p>
<p><i>Privacy Amendment Caught in Swirl of Controversy</i>, Sentinel Star (Orlando) (AP), Oct. 24, 1980, at 2-C,  <a href="https://www.newspapers.com/image/224623483/">https://www.newspapers.com/image/224623483/</a></p>	<p>Pets.' App. 36</p>
<p>Mary Hladky, <i>Commissioners Table Vote on State Privacy Amendment</i>, Fort Lauderdale News, Oct. 1, 1980, at 8B,  <a href="https://www.newspapers.com/image/234894281/?terms=hladky&amp;match=1">https://www.newspapers.com/image/234894281/?terms=hladky&amp;match=1</a></p>	<p>Pets.' App. 37</p>
<p>Staff of H.R. Comm. on Governmental Operations, 12th Sess., Rep. on CS/HJR 387 (Feb. 7, 1980) (available at Fla. Dep't of State, Fla. State Archives, Box 731, Record Group S19)</p>	<p>Pets.' App. 38-45</p>
<p>Privacy Memo., Subcomm. on Exec. Reorg., H.R. Comm. on Governmental Operations, Bill CS/HJR 387 (n.d.) (available at Fla. Dep't of State, Fla. State Archives, Box 731, Record Group S19)</p>	<p>Pets.' App. 46-52</p>

## Amendments under attack as vote nears

TALLAHASSEE (AP) — A former Constitution Revision Commission chairman charged today that a proposed constitutional amendment which would abolish future revision commissions would give the Legislature a "stranglehold" on constitutional changes.

Chesterfield Smith, also a former American Bar Association president, denounced the proposal at a press conference. He chaired the 1966-68 revision commission which drafted the state's present constitution.

"I gave two years of my life free to get the present constitution and I want the people to be able to review the constitution without the Legislature having a stranglehold on their throats," Smith said.

On Tuesday a homosexual rights advocate accused Gov. Bob Graham and others opposing a proposed privacy rights amendment of "sticking their noses into people's bedrooms."

The constitution revision and privacy measures are two of five proposed amendments that will be on the Nov. 4 ballot.

Under existing provisions, a revision commission was appointed in 1978, 10 years after the latest constitution was adopted, and future citizen commissions would be formed every 20 years thereafter.

Smith didn't serve on the 1978 panel, but defended its role even though it was unable to pass a single one of more than 80 new amendments it placed on the ballot in eight separate questions.

"They made, in my mind, a very meaningful contribution in that they had a massive town meeting of the whole state," Smith said.

He said the constitution may not need to be changed every 20 years, but at least it should be reviewed by the citizens without legislative interference.

"This unseemly and pre-emptive attempt by power-selfish legislators to deprive future Floridians of an opportunity to address constitutional issues in 1998 is thus 'power politics' at its worst," Smith said in a written statement.

Although the commission's proposals failed at the ballot box, Smith said the panel was a success because seven of the 12 amendments that came from the Legislature during the last two years are virtually identical to amendments proposed by the commission.

Three of the measures have already been adopted and four more, including the privacy amendment, will be voted on next Tuesday.

Speaking of Graham, gay rights advocate Bob Kunst said in a telephone interview from Miami: "He wants the right to regulate and control people's rights, including their bedroom habits."

In a weekend interview with the St. Petersburg Times, Graham called the privacy amendment "unduly vague and ambiguous." On Saturday the Florida Prosecuting Attorneys Association added its opposition on a 17-0 vote.

Kunst was previously a leader in opposition to singer Anita Bryant's successful campaign to rescind a homosexual rights ordinance in Dade County.

The proposed privacy amendment states: "Every natural person has the right to be let alone and free from government intrusion into his private life."

Although legislative sponsors intended the measure only as a safeguard against government excesses, Kunst and other proponents and some legal experts believe it will result in the reversal of statutes outlawing homosexual and other sexual conduct between consenting adults. Kunst also contends it would void anti-abortion laws.

## Psychologist stumps for amendment

By JULIUS KARASH  
News-Press Staff Writer

Just how much privacy are Floridians entitled to?

That question brought Alan Rockway, a Miami clinical psychologist, to Southwest Florida this week to push for passage of a privacy amendment to the state constitution that will appear on the Nov. 4 ballot.

According to the proposed amendment, "Every natural person has the right to be let alone and free from governmental intrusion into his private life except as otherwise provided herein. This section shall not be construed to limit the public's right of access to public records and meetings as provided by law."

Rockway appeared before the Collier and Lee county commissions this week and asked both bodies to go on record in support of the privacy amendment. Neither body took action, though Rockway said he was encouraged by positive comments he received from Lee County commissioners.

"I personally support it," said Lee County Commission Chairman Dick Steele of the amendment.

"But we cast secret ballots the same as everybody else, and we're entitled to our privacy, too."

At the Collier County Commission meeting, sheriff's Deputy Chief Ray Barnett warned the commissioners that the amendment could legalize homosexuality in Florida.

Rockway, a co-author of the unsuccessful 1977 gay rights referendum in Dade County, said the amendment is needed to protect the privacy rights of heterosexuals.

"Since a statute that made homosexuality a felony was thrown out by the state supreme court six years ago, the state has been silent on homosexuality," he said. "But it's still a misdemeanor for an unmarried man and woman to fornicate or cohabit (live together without legal sanction)."

"We feel it's none of the state's business to snoop in people's bedrooms," he said. "I'll bet the citizens of Lee County would rather have the police step up protection against rape, murder and breaking into homes."

Rockway said half the states have legislation that says that two consenting adults may have any type of sexual relationship they want. He said the privacy amendment would decriminalize the presently forbidden activities, though not legalize them.

In addition, Rockway said, the amendment could affect the right of women to have abortions, gay rights and the private use of small amounts of marijuana.

Rockway said the privacy amendment would counteract what he called the present "threat to American democracy" by the Moral Majority organization, a conservative Christian coalition led nationally by television evangelist Jerry Falwell of Lynchburg, Va.

Rockway accused the Moral Majority of "trying to use the state to enforce their own particular religious dogma. They're misusing religion as a political tool. They threaten American democracy because they threaten the separation of church and state — the fundamental basis of our whole government."

# Planned Parenthood Waving The Flag

DENVER (AP) — Planned Parenthood is using the American flag and the American family to fight for contraception and abortion — taking on the so-called "right-to-life" movement with some of its traditional weapons.

The 64-year-old Planned Parenthood Federation of America unveiled some of its ammunition — two color television advertisements extolling patriotism and family life — at its annual national conference here this week.

The organization hopes the ads, and others like them, will counter the pro-family image of many anti-abortion groups with a "pro-child, pro-family, pro-life" image for Planned Parenthood, says President Fay Wattleton.

One of the ads opens with a shot of youngsters climbing into a 1930s Ford convertible and ends with a couple carrying groceries into a contemporary kitchen. The other shows clients being counseled by Planned Parenthood employees.

**"In recent years we have faced an increasingly vocal and at times violent minority which seeks to deny all of us our fundamental rights of privacy and individual decision-making."  
— Fay Wattleton, Planned Parenthood president**

Both end with a picture of the American flag and the words, "Planned Parenthood. Helping Build a Strong America by Helping Strong American Families."

The point, says Wattleton, is that the American family will be strong only if family members are free to decide how and when to have children.

She said Planned Parenthood and its 20,000 volunteers are combatting a new right-wing movement working to wipe out sex education, contraception services and abortions — a movement she said is made up of fundamental-

ists, the Roman Catholic Church hierarchy, some Republicans and others.

Planned Parenthood, which has an annual operating budget of \$116 million, also will buy radio time and newspaper space, Wattleton said. And volunteers will urge radio and television outlets to air free public service spots on Planned Parenthood.

There have been attacks on Planned Parenthood programs since 1973, when the U.S. Supreme Court ruled that the Constitution protects a woman's right to abortion, Wattle-

ton said, but the group did not begin to take the opposition seriously until two or three years ago.

"In recent years we have faced an increasingly vocal and at times violent minority which seeks to deny all of us our fundamental rights of privacy and individual decision-making," Wattleton said. "They want to pass laws that reflect their view of morality. And they don't believe in separation of church and state."

Wattleton and others said their opponents make up what amounts to a "New Right" of ultra-conservatism. The main issues in dispute, they said, are free access to abortion and contraception.

The more than 800 people who attended the six-day conference, which ends today, on behalf of 186 Planned Parenthood affiliates in 43 states spent much of their time discussing strategy — ways to get free space in newspapers and free air time on radio and television.



**Madeline Beaumont, founder of the San Antonio Right to Life group, stands beside a picture of some of the members of her large family. She has 8 children, 27 grandchildren, one great-grandchild.**  
— Tribune Photo by Mark Elias

## Her Love Of Life Makes Her Stand, Fight For It

By CAROL JEFFARES  
Tribune Staff Writer

**Religion**

SAN ANTONIO — It's not just her religious beliefs or the fact that she has given birth to eight children that makes Madeline Beaumont an inspiration to the pro-life group Respect Life.

It's her vigor for living, her enthusiasm for each breath, her general love of life that made her take a stand on the issue of abortion.

"I couldn't stand by and see all these abortions going on in our country — legally, I had to do something. Letting it go by was so bad in the abortion," Beaumont said.

"I love my country and I just couldn't stand this. It's changing the face of our country," she said. "One and a half million abortions are performed a year. I don't like to know these figures around, because even one is horrible."

"I'd had it on my mind for a long time," the San Antonio resident and member of St. Anthony Catholic Church said about the abortion issue. Father Richard Schmitt, O.S.B., of St. Anthony asked her to be chairwoman of the Respect Life Committee for her parish. That was in 1977, and Beaumont has been actively involved in the pro-life movement ever since.

Respect Life is a diocesan program, with each parish within the Diocese of St. Petersburg participating. The program is to initiate " Respect for life in all stages," Beaumont said, adding, "We felt that in our community, most stages of life were unfortunately taken care of the elderly were provided for, the sick carried for medical help, and so forth. So we concentrate on educating about abortion."

"An abortion is a terrible attack on a person," Beaumont said. "At conception, the egg lies to rest in a womb — the next place in the world."

The Catholic Church, as well as other churches, continue to assert that all human life, including the unborn, has value and dignity and deserves care and protection, Beaumont said.

"Scientists have found the unborn baby does feel pain," she added.

The group as a whole is "working for a human life amendment to the Constitution that would prohibit an abortion except where the life of the mother is in danger," Beaumont said.

A lot of stress has been put on the individual in the last 30 years, she stated. "The abortion law is based on the woman's right to privacy. It says a woman's right to privacy supersedes the fetus's life. And then, when it becomes legal, a lot of people feel it must be all right if it's legal," she said. "There's an old saying: 'The law is a teacher.'"

"That law can be amended," she added.

Serving as chairwoman until 1979, Beaumont said the group would meet at her home and plan activities that would help pro-life. One such activity in which the group participates is a letter-writing campaign to Florida congressmen, telling them "how we feel about the issue," she said.

"In our committee, we watch how they vote. We write letters if they vote pro-life, congratulating them. If they vote against pro-life, we also write and tell them we're unhappy," Beaumont said.

Other projects include manning a pro-life booth at the Hance County Fair and sponsoring speakers to present the issue to various organizations.

The group also collects money to send live roses to all politicians on Jan. 22 each year. Beaumont said "at least a dozen live roses are sent by the president, vice president and all the senators and representatives in Washington to remind them of the innocent lives that are being killed."

Jan. 22 is also the day of the March for Life in Washington in protest of the Supreme Court decision on abortion, which was handed down Jan. 22, 1973, Beaumont said.

There are presently 12 members of the San Antonio group of Respect Life. Patsy Herrmann was recently appointed the new chairwoman of the organization. This group is composed of Catholics, Beaumont said, but anyone may join.

Beaumont continues to lead the fight for pro-life as treasurer of the Congressional District Action Committee for Human Life Amendment. This group is not affiliated with any particular church, she added.

"We work on the principle that it's wrong to kill the baby," she said.

Beaumont said she believes the Bible teaches that God created each life and human beings are God's creatures. They have no right to destroy their own lives nor to kill others, she said.

"Some people disagree. But in my heart I really feel that people don't know the truth. They think they just get rid of it (the baby) and it's the end. But it's not the end," Beaumont said. "Many of these girls are unaware of the after-effects of the abortion. They suffer traumatic effects afterward. Nobody ever warns them about the many sleepless nights."

In the past, Respect Life has worked on educating people about abortions. In the coming year, Beaumont said, the emphasis will be on doing something for its pregnant women.

"Pasco County is really a tough place to be pregnant, especially if you're abused or poor," Beaumont said. "We're hoping our group can do something for those girls. Individually, members in our group have taken girls to Solvia in New Port Richey for prenatal care."

## Fanning the Flames

Viewed very narrowly, the Supreme Court's latest abortion ruling correctly upheld the constitutional right of Congress to refuse to pay — no matter how unfairly, cruelly or unreasonably — for any medical service.

As the court's majority noted, indigent women have the same range of choices they would have if Congress chose not to subsidize any health care. And by the same reasoning Congress could just as constitutionally ban Medicaid payments for heart surgery, blood transfusions or kidney dialysis were there an effective, well-organized lobby to demand it.

Nevertheless, it is a legal logic which imposes great personal hardship on a few and fans the fires of religious-political dissension. While never denying or receding from an earlier landmark decision that women — even poor women — have a constitutional right of privacy to decide for themselves whether to bear children, this latest anti-abortion decision offers no assistance in turning that right into a reality and will undoubtedly be used to bolster support for the movement to ban all abortions.

Indeed, anti-abortion forces

### Who's Who

In New Jersey last winter, Arab businessmen who really were FBI agents tried to rope in a Mafia chieftain who really was an unemployed electrician.

Will the real anybody please stand up?

already have vowed to "redouble" their efforts to win congressional support for a constitutional ban on abortion — a ban which if ever enacted would be as popular and enforceable as Prohibition. They say they also will seek through court and legislative pressure to cut off funding in 22 states currently paying for abortions for poor women.

As Justice William Brennan noted in his dissent, the anti-abortion amendments attached by Rep. Henry Hyde (R-Ill.) to the federal budget are an irrational means of delivering health services. They should be rejected by Congress, but year by year they have become instead more restrictive and now permit Medicaid abortions only if a woman's life is in danger or if she is the victim of a promptly reported rape or incest.

As a means of preventing abortions, though, Hyde's amendments are brutally rational and demonstrably effective. Federally funded abortions have dropped from 300,000 in 1977 to 2,000, even while the total number of abortions climbed to 1.5 million last year. Substantial numbers of American women either reject the right-to-life dogma which Hyde preaches or are living lives of hypocrisy.

Abortion has been a devious national issue raising questions with now punishingly different answers for rich and poor. As a result the room in the political middle grows increasingly and uncomfortably small for those who don't support abortion as a substitute for birth control but also feel it has a place in the health-care system.

## Previous Abortion Decisions

WASHINGTON — (AP) — Here, in summary, are the Supreme Court's previous major decisions on abortion:

● **Roe vs. Wade**, reached by a 7-2 vote and announced Jan. 22, 1973. Legalized abortion nationwide for the first time.

Basing its ruling on a woman's right to privacy, the court said a decision to have an abortion during the first three months of pregnancy must be left to the woman and her doctors. States may interfere in that decision only to protect the woman's health during the pregnancy's second trimester, and may take steps to protect fetal life only in the third trimester. Justice Harry A. Blackmun wrote for the majority. Justices Byron R. White and William H. Rehnquist dissented.

● **Doe vs. Bolton**, also reached by a 7-2 vote and announced Jan. 22, 1973. In it, the court struck down restrictions on which facilities could be used to perform abortions. Blackmun wrote for the majority. White and Rehnquist dissented.

● **Planned Parenthood vs. Danforth**, announced July 1, 1976. By a 6-3 vote, the court said states cannot give husbands of pregnant women veto power over the abortion decision. By a separate 5-4 vote, the court said neither can the parents of an unmarried girl be given veto power. Blackmun wrote for the majority. White, Rehnquist and Chief Justice Warren E. Burger dissented from the spousal veto section. They were joined by Justice John Paul Stevens in dissenting from the parental veto section.

● **Maher vs. Roe**, reached by 6-3 vote announced June 20, 1977. States have no legal obligation to pay for "nontherapeutic" abortions, but a full definition of that term was not provided. The court also stopped short of saying whether such a funding obligation existed for "therapeutic" or "medically necessary" abortions. Justice Lewis F. Powell Jr. wrote for the majority. Blackmun and Justices William J. Brennan Jr. and Thurgood Marshall dissented.

● **Colautti vs. Franklin**, reached by a 6-3 vote announced Jan. 9, 1979. Reaffirmed the court's intention to give physicians broad discretion in determining "fetal viability" — when a fetus can survive outside the mother. States may seek to protect a fetus that has reached viability, but that determination is up to physicians, not courts or legislatures. Blackmun wrote for the majority. White, Rehnquist and Burger dissented.

● **Bellotti vs. Baird**, reached by an 8-1 vote announced July 2, 1979. Elaborating on its parental consent decision of 1976, court said states may be able to require a pregnant minor to obtain one or both parents' consent to an abortion if state law provides an alternative procedure, such as letting the minor seek consent of a judge instead. Powell and Stevens wrote plurality opinions. White dissented.

## High Court Upholds Medicaid Restrictions

By RICHARD CARELLI  
Associated Press

WASHINGTON — The Supreme Court, giving a momentous victory to anti-abortion forces, ruled Monday that the federal government and individual states do not have to pay for most abortions wanted by women on welfare.

By a 5-4 vote, the justices upheld as constitutional the so-called Hyde amendment, a congressional restriction on Medicaid spending for abortions.

Named for its original sponsor, Rep. Henry Hyde (R., Ill.), the appropriations measure bars Medicaid spending for abortions except when a woman's life would be endangered by childbirth or in cases of promptly reported rape or incest.

About one-third of the more than one million legal abortions performed in the United States since 1973 have been for women on welfare. The Hyde amendment is expected to lower the number of Medicaid abortions each year to fewer than 2,000.

**THERE WAS** no immediate word from the federal Department of Health and Human Services on when the funding cutoff would take effect.

The government has been forced to pay for most Medicaid abortions requested since last February, when the Supreme Court refused to postpone the effect of a federal trial judge's striking down the Hyde amendment.

For the 31 months the Hyde amendment had been in effect, the annual cost of abortions to the Medicaid program, a federal-state program, dropped from some \$50 million to an estimated \$300,000.

But "pro-choice" forces contend that the Hyde amendment leads to increased welfare spending because of higher maternity and child-care costs.

Monday's decision reversed two lower-court rulings, in cases from New York City and Chicago, that had found the Hyde amendment to be constitutionally flawed.

**THE DECISION** had nothing to do with the legality of abortion itself. The Supreme Court legalized abortion in a landmark 1973 ruling.

In it, the court said a woman's right to privacy makes her decision to have an abortion a matter only for her and her doctor during the first three months of her pregnancy.

The 1973 ruling said states could seek to protect a pregnant woman's health during the second trimester, and could take steps to protect fetal life only in the third trimester — but not if the woman's life would

## Sioux to Get Millions for S. D. Land

WASHINGTON — (AP) — Settling a controversy sparked by Custer's last stand, the Supreme Court Monday ordered the government to pay the Sioux Indian Nation more than \$117 million for Black Hills land taken from the tribe more than 100 years ago.

The 8-1 decision upholding a U.S. Court of Claims finding capped 60 years of litigation. It is a landmark in Indian law, affecting numerous other pending claims dating back to the Indian wars of the 1800s, and represents the largest judgment ever awarded by the claims court.

The Supreme Court ruled that the United States owes the Sioux \$17.5 million for 7.3 million acres of land in South Dakota that it seized in 1877 and interest that will total more than \$100 million.

Lawyers for the Sioux said the award will benefit about 60,000 tribal members.

**THE CASE**, which had been in the courts since Congress passed a special act allowing the suit in 1920, turned on the question of whether the government's breaking of an 1868 treaty with the Indians amounted to a "taking" of their land, requiring "just compensation" under the Fifth Amendment.

The Supreme Court decision, written by Justice Harry A. Blackmun, said an 1877 act that had the effect of abrogating the treaty "did not effect a mere change in the form of investment of Indian tribal property," as the government had claimed.

"Rather, the 1877 act effected a taking of tribal property, property which had been set aside for the exclusive occupation of the Sioux by the Fort Laramie Treaty of 1868,"

Turn to Page 8AW Col. 4

Turn to Page 8AW Col. 3

# Medicaid Need Not Pay For Abortions for Poor

▶ FROM PAGE 1A

be endangered by childbirth.

IN HIS far-ranging opinion for the court's majority Monday, Justice Potter Stewart made these points:

- The Social Security Act's Title 19, the Medicaid law, does not require participating states to pay for those medically necessary abortions for which federal reimbursement is unavailable under the Hyde amendment.

- The Hyde amendment does not violate a woman's "liberty" interest protected by constitutional due process.

"It simply does not follow that a woman's freedom of choice carries with it a constitutional entitlement to the financial resources to avail herself of the full range of protected choices," Stewart wrote.

- Neither does the spending restriction represent an establishment of religion, outlawed by the First Amendment.

"We are convinced that the fact that funding restrictions . . . in the Hyde amendment may coincide with the religious tenets of the Roman Catholic Church does not, without more, contravene the establishment clause," Stewart said.

- The Hyde amendment does not violate the constitutionally guaranteed equal-protection rights of poor women.

CHIEF JUSTICE Warren E. Burger and Justices Byron R. White, Lewis F. Powell Jr. and William H. Rehnquist joined Stewart's opinion.

Justices Harry A. Blackmun, author of the court's 1973 decision legalizing abortion, Thurgood Mar-

shall, John Paul Stevens and William J. Brennan Jr., the court's only Roman Catholic, dissented.

Marshall said the decision could lead to "as many as 100 excess deaths" each year as women turn to illegal and unsafe abortions.

"An indigent woman denied government funding for a medically necessary abortion is confronted with two grotesque choices," Marshall said. "First, she may seek to obtain an illegal abortion that poses a serious threat to her health and even her life. Alternatively, she may attempt to bear a child, a course that may both significantly threaten her health and eliminate any chance she might have had to control the direction of her own life."

BRENNAN SAID, "Antipathy to abortion, in effect, has been permitted not only to ride roughshod over a woman's constitutional right to terminate her pregnancy in the fashion she chooses, but also to distort our nation's health care programs."

The funding controversy has served as a rallying point, as much symbolically as substantively, in the continuing battle between "right-to-life" and "pro-choice" forces. Predictably, Monday's deci-

sion was hailed by one side and denounced as a "disaster" by the other.

The court in 1977 had ruled that states have no legal obligation to pay for "nontherapeutic" abortions, but did not define the term or say whether any such obligation would exist for therapeutic abortions.

Now, therapeutic abortions that the federal government decides not to fund do not have to be paid for by the states, either.

TEN STATES and the District of Columbia have made local Medicaid funds regularly available for abortions, even when the Hyde amendment was in effect. But those states can be expected to come under heavy political pressure to follow the federal government's lead.

They are Alaska, Colorado, Hawaii, Idaho, Michigan, New York, Washington, Maryland, North Carolina and Oregon.

Thirteen other states have been under lower-court orders to provide local Medicaid funding for medically necessary abortions. Those states soon will be freed from that obligation. They are California, Connecticut, Georgia, Illinois, Louisiana, Minnesota, Missouri, New Jersey, Ohio, Pennsylvania, Virginia, West Virginia and Wisconsin.

**Tuesday, Daphne brings back the Big Band.**

And she's got one of the best: Gary Lawrence and his Sizzling Synchopators. This Tuesday and every Tuesday. Come back with us.



**QUALIFY FOR U.S. PERMANENT RESIDENT STATUS**

**(GREEN CARD)**

- Free Initial Consultation
- Relative Petitions
- Labor Certification
- Investors Status

# High Court Rules On Abortions

WASHINGTON (AP) — The federal government does not have to pay for most abortions wanted by women on welfare, a closely divided Supreme Court ruled today.

By a 5-4 vote, the justices upheld as constitutional the so-called Hyde amendment, a congressional restriction on Medicaid spending for abortions.

The government has been forced to pay for most Medicaid abortions requested since last February when the Supreme Court refused to postpone the effect of a federal trial judge's striking down the Hyde amendment, named for its original sponsor, Rep. Henry Hyde, R-Ill.

Now, Congress can resume withholding such money.

The court majority said individual states also are under no legal obligation to pay for those medically necessary abortions the federal government wishes not to fund.

About one-third of the more than one million legal abortions performed in the United States each year since 1973 have been for women on welfare. For the 31 months it was in effect, the Hyde amendment reduced the number of Medicaid abortions to fewer than 2,000 per year.

The annual cost to Medicaid program, a federal-state program, dropped from some \$50 million a year to an estimated \$300,000.

Attached to the budget for what then was the Department of Health, Education and Welfare, the amendment was first passed by Congress in 1976. Various versions of it have been enacted for each fiscal year since then.

The spending restriction for fiscal year 1978, upheld by the court today, barred Medicaid spending for abortions unless a woman's life would be endangered by childbirth, in cases of promptly reported rape or incest, or when two doctors said childbirth would cause "severe and long-lasting physical health damages to the mother."

Congress last year agreed on an even more restrictive spending ban, eliminating the "severe and long-lasting physical health damages" wording.

Writing for the majority, Justice Potter Stewart said the spending restriction — imposed even for some "medically necessary" abortions — does not run afoul of the Constitution nor Title 19 of the Social Security Act, the Medicaid law.

His opinion made it clear that individual states also are under no legal obligation to pay for those medically necessary abortions the federal government wishes not to fund.

Until today, 10 states and the District of Columbia have made local Medicaid funds regularly available for abortions, even when the Hyde amendment's effect was drying up federal funding.

Now, those states will come under heavy political pressure to follow the federal government's lead. They are Alaska, Colorado, Hawaii, Idaho, Michigan, New York, Washington, Maryland, North Carolina and Oregon.

Another 12 states have been under court orders to provide local Medicaid funding. Those states now will be freed from providing such money.

Today's decision had nothing to do with the legality of abortion itself. The Supreme Court legalized abortion in its landmark 1973 decision.

In it, the court said a woman's right to privacy makes her decision to have an abortion a matter only for her and her doctor during the first three months of her pregnancy.

The 1973 ruling said states could seek to protect a pregnant woman's health during the second trimester, and could take steps to protect fetal life only in the third trimester — but not if the woman's life would be endangered by childbirth.

In today's ruling, Stewart said, "It simply does not follow that a woman's freedom of choice carries with it a constitutional entitlement to the financial resources to avail herself of the full range of protected choices."

Stewart's 27-page opinion was joined by Chief Justice Warren E. Burger and Justices Byron R. White, Lewis F. Powell Jr. and William H. Rehnquist.

Justices Harry A. Blackmun, William J. Brennan Jr., Thurgood Marshall and John Paul Stevens dissented.

*World/national update*

# Federal judge kills Louisiana abortion statute

From Sentinel Star Services

NEW ORLEANS — A federal judge on Monday ruled unconstitutional Louisiana's abortion law, saying it violates the woman's right to privacy and to health and takes the medical decision away from her physician.

U.S. District Judge Robert Collins struck down 15 sections of the statute as unconstitutional and let stand only four minor portions.

The law, which was passed by the Louisiana Legislature in 1978, was criticized as overstepping the bounds of the U.S. Supreme Court's landmark abortion ruling in 1973 that gave women right to abortions.

The law required physicians to inform women a fetus is a human life from the moment of conception.

Collins said a provision requiring doctors to tell the parents of girls younger than 18 wanting abortions before the operation was performed "does not consider the minors' constitutional right of privacy."

Collins also rejected the law's 24-hour "cooling off period" in which women would have to wait one day before an abortion could be performed.

# Louisiana's Anti-Abortion Law Is Tossed Out by Federal Judge

NEW ORLEANS — (AP) — Louisiana's anti-abortion law, among the most restrictive in the nation, was declared unconstitutional in almost every respect by a federal judge Monday.

The 86-page decision by U.S. District Judge Robert Collins, more than a year in the making, left only the most insignificant provisions of the law standing.

Collins said he reviewed the law in light of U.S. Supreme Court rulings that the constitutional right of privacy is "broad enough to encompass a woman's decision whether or not to terminate her pregnancy."

The law, which virtually mirrored Right to Life recommendations, had been scheduled to take effect in September 1978, but was

blocked by Collins pending his ruling.

Collins struck down 15 sections of the law as unconstitutional. However, he did not issue an injunction in the case, saying, "The court assumes that Louisiana authorities will give credence to this decision."

Critics had argued that the law was clearly designed to circumvent the 1973 Supreme Court ruling that legalized abortions.

Among other things, the law required doctors to teach a woman seeking an abortion that the fetus became a human life at the instant of conception.

Collins said the law was both overly vague and overly specific and that a doctor could be accused of violation no matter what he did.

The judge said the informed consent section was unconstitutional "because it forces the doctor to state that 'the unborn child is a human life from the moment of conception.'" He said legal precedent had established that the state may not determine that life begins at the moment of conception.

The law also required a woman more than 22 weeks pregnant to sign a statement attesting that she had been told the fetus was capable of surviving outside the womb and that her physician was legally obligated to try to keep it alive.

On that issue, Collins said courts may not determine when a fetus is viable. He said the concept would be an unconstitutional infringement on a physician's right to practice medicine.

10-A THE MIAMI HERALD Tuesday, Feb. 26, 1980

## Court Will Examine Parents' Notification For Minor's Abortion

By AARON EPSTEIN  
Herald Washington Bureau

WASHINGTON — When a pregnant, unmarried teenage girl in Utah asks a doctor for a confidential abortion, the physician could be committing a crime unless he first makes every effort to notify her parents.

Out of this conflict between a minor's right to privacy and her parents' obligation to care for her has emerged a constitutional issue that was accepted Monday for review by the U.S. Supreme Court.

The case focuses on the Utah criminal statute requiring a physi-

cian to notify "if possible" the parents, guardian or husband of a pregnant minor before performing an abortion.

Failure to do that would subject the doctor to a maximum penalty of one year in jail and a \$1,000 fine.

In upholding the Utah statute two months ago, the state's high court said that the state law doesn't allow the "absolute and arbitrary veto" by parents that the Supreme Court has held to be unconstitutional.

All that the statute does, argued Utah Assistant Attorney General Paul Tinker, is protect the integrity of the family by preventing a minor girl from ending her pregnancy "in total secrecy."

**THE CRUX** of the Utah case may lie in the interpretation of the words "if possible" in the statute's description of a doctor's duty to notify parents.

Do the words mean that the doctor may avoid informing a girl's parents if he believes that would cause her physical or psychological damage? That is the interpretation sought by lawyers representing pregnant minors in Utah.

Or does the requirement mean, as the Utah Supreme Court contended, that the physician must tell the parents whenever he can locate them?

The U.S. Supreme Court has grappled with the teenage abortion problem before — but without resolving it.

The Utah case focuses on the early stage of pregnancy when the state government has no power to interfere with a woman's right to

terminate her pregnancy in consultation with her doctor. However, the Utah courts have said that when the woman is a minor, the state has some authority to intervene.

**IN OTHER** action the court:

- Cleared the way for a state court trial of atheist Madalyn Murray O'Hair on charges of disrupting a city council meeting in Austin, Tex. The justices, without comment, turned down O'Hair's arguments that her trial on the charges should be conducted in a federal rather than a state court.

- O'Hair was arrested at an Austin city council meeting Nov. 3, 1977. She was charged with disrupting a public meeting, a misdemeanor carrying a maximum penalty of 180 days in jail and a \$1,000 fine, after protesting the unconstitutionality of an invocation prayer said at the meeting.

- Killed a Des Moines, Iowa, woman's \$3-million invasion-of-privacy lawsuit stemming from a newspaper report about her forced sterilization. The justices, without comment, left intact an Iowa Supreme Court decision dismissing Robbin Howard's suit against the Des Moines Register and Tribune Co., reporter Margaret Engel and Dr. Roy Sloan.

- Agreed to decide whether Federal Trade Commission complaints based on an asserted "reason to believe" that unfair competition exists may be challenged in court.

- The justices said they will review a lower-court ruling that allows the Standard Oil Co. of California and other major oil companies to legally challenge the legitimacy of the "reason to believe" premise that made them the target of anti-trust action.

- Refused to block a \$325-million lawsuit charging Mitsui and Co. Ltd. of Japan and its U.S. subsidiary with illegally trying to corner Indonesia's lumber market.

- The justices, without comment, left intact a ruling that the so-called act-of-state doctrine does not block the suit filed by Industrial Investment Development Corp., a U.S. firm. IIDC alleges that Mitsui improperly blocked an IIDC logging deal in Indonesia.

- Refused to give a Massachusetts woman a second chance to challenge a state law offering preferences in public employment to military veterans.

- The justices upheld a ruling that Helen Feeney of Dracut, Mass., is not entitled to another day in court on a lawsuit she first filed in 1975.



4A Fort Lauderdale News, Monday, Feb. 25, 1980

# Court to review abortion law that restricts surgery on minors

News wire services

**WASHINGTON** — The Supreme Court today agreed to review a Utah law carrying criminal penalties for any doctor giving an abortion to a minor without notifying her parents.

The justices will hear arguments that fall on an appeal by a 13-year-old from a state court ruling that the law passes constitutional muster.

Last July, the high court declared unconstitutional a Massachusetts law that required an unmarried minor girl to get the approval of her parents before obtaining an abortion.

The girl in the Utah case, identified only as "H.L.," said that while she was in the first three months of an unwanted pregnancy, she consulted a social worker and a doctor about getting an abortion.

In legal papers filed with the Supreme Court, she said she believed it was in her best interests not to inform her parents of her condition.

The physician advised her that under Utah law, he could not and would not perform the abortion without first notifying her parents.

That law requires a physician to consider "all factors relevant to the well-being of the woman upon whom the abortion is to be performed," including her physical, emotional and psychological health and safety, her age and her familial situation.

Failure to follow the law may be punished with a prison term up to one year and a fine up to \$1,000.

H.L. filed a class action suit, claiming the statute constituted an invasion of privacy.

She said she had a constitutional right to have an abortion in the first trimester of pregnancy, free from regulation or interference by the state.

The appeal also contended the statute also intruded on minors' rights to consult freely with a physician, and receive treatment without state interference.

A trial court held that while a state may not regulate or interfere with an adult woman's decision, there was no bar to a state enacting a law requiring parental notification.

The Supreme Court held in its 1973 abortion ruling that a woman's right to privacy protects her choice of an abortion at least in the first trimester. But the Utah Supreme Court ruled that decision did not address the "issue of a pregnant minor seeking an abortion."

In other action today, the Supreme Court:

- Rebuffed a former milk rancher who says his business was ruined when a neighbor's bright lights illuminated the ranch's mating bands, and who charges his lawyers with

legal malpractice for losing the suit.

- Refused to give a Massachusetts woman a second chance to challenge a state law offering preferences in public employment to military veterans. Last year the court ruled that veterans' preference laws do not impermissibly discriminate against women.

- Turned down a challenge to the authority to enforce its game and fish laws over members of the White Earth Band of Chippewa Indians within the boundaries of the tribe's original reservation.

- Left intact a ruling that re-

quires Black Jack, Mo., a St. Louis suburb, to obey a court-imposed obligation to ensure construction of a low-income housing project.

- Cleared the way for a state trial of Madalyn Murray O'Hair, perhaps the nation's most famous atheist, on charges of disrupting a city council meeting in Austin, Texas.

- Turned down a chance to review an Iowa woman's \$1 million invasion of privacy suit against the *Des Moines Sunday Register* for disclosing she was sterilized at a county home.

- Refused to block a \$325 million

lawsuit charging Mitsui & Co. Ltd. of Japan and its U.S. subsidiary with illegally trying to corner Indonesia's

lumber market. ● Agreed to decide whether Federal Trade Commission complaints

based on an asserted "reason to believe" that unfair competition exists may be challenged in court.

**NEEDED IMMEDIATELY!**

Appl. complexes suitable for condo-conversions, between Ft. Laud. and Palm Beach. Minimum \$10,000. Cash in hand investors ready for immediate closings. Principals only please. All replies held in confidence.

**"THIS IS NOT A LISTING SOLICITATION"**  
Call 368-7303  
(ask for investment director)

Property Finders, Inc. REALTORS

**LOOKING FOR AN IN-THE-EAR HEARING AID?**

LOOK NO FURTHER! World of Sounds is Florida's largest dispenser of the famous Starkey "CE" — America's most popular in-the-ear hearing aid!

WHAT DOES THIS MEAN TO YOU? World of Sounds has been serving our friends in this area for 10 years, and our combined

experience, technical ability and highly personal service are just several of the reasons why so many people depend on us. So, if you're looking for an in-the-ear aid — or just thinking about one — stop in and get the full story from the in-the-ear experts at World of Sounds.

REPAIR & SERVICE ON ALL MAKES FREE HEARING TEST MANY OTHER MAJOR BRANDS AVAILABLE

**WORLD OF SOUNDS HEARING AIDS INC.**  
178 POMPANO PARKWAY SQUARE (Corner from Midway's) POMPANO BEACH — OPEN MON. THRU SAT.  
946-8126 For Private Appointments (in your home or our office)

**3 DAYS ONLY! FEB. 26-28!!**  
9:00 A.M. 'TIL 4:00 P.M.  
OPEN TONIGHT 'TIL 8:30

**DEEP FREEZE only by AMANA**

WITH THE COST OF FOOD GOING UP EACH WEEK, THIS BIG 10 CU. FT. WILL LET YOU BUY NOW! AND STORE FOR LATER.

**MODEL RR10A TOUCHMATIC**  
WITH ROTAWAVE COOKING SYSTEM COOK BY TIME OR TEMPERATURE. 700 WATTS. EVERYTHING YOU COULD WANT IN MICROWAVE OVEN. **PRICE TOO LOW TO ADVERTISE**

**36-3/16 HIGH 50% WIDE 30% DEEP**

**TODAY ONLY**

**THE NEW KITCHEN AID ENERGY SAVER IV DISHWASHERS ARE HERE!**

THE ONLY DISHWASHER THAT LETS YOU TURN DOWN YOUR WATER HEATER AND GETS YOUR DISHES CLEANER THAN ANY OTHER DISHWASHER.

**SPECIAL INSTALLATION THIS WEEK ONLY!**

Take out old same type dishwasher inst. new D/W plumbing, electric complete.

Reg. '85 ONLY **\$39.95**  
VISA OR MASTER CHARGE

**KEENAN'S**

764-2655  
1105 N.E. 13 STREET

• Exclusive Stainless Steel Filter/Soft Waste Disposer Combination Eliminates pre-rinsing.

MANY GOOD REASONS WHY FOLKS IN BROWARD COUNTY HAVE BEEN SHOPPING AT "KEENAN'S SINCE 1956"

- FREE DELIVERY & SERVICE
- OVER \$50,000 PARTS INVENTORY
- RADIO DISPATCHED TRUCKS

**CUSTOM-MADE DRAPERIES**

# Anti-abortion resolution offered Fort Walton council

By JEFF NEWELL  
Journal Staff Writer

FORT WALTON BEACH — City councilmen are studying a proposed resolution aimed at adopting a united council stance against abortions in situations where pregnancy does not threaten the health of pregnant women. But Councilman Al Grant, who drafted the measure, said Wednesday he's

not sure just how far he will pursue the resolution or when.

"My intention is to come up with something that would represent a public statement supporting the items listed," said Grant.

According to the proposal, the U.S. Supreme Court and federal government have maintained state and local governments have a legitimate interest in insuring abortions are performed under

circumstances providing for maximum patient safety and that governments have a legitimate interest in encouraging childbirth.

The draft resolution also calls for the city's obligation to "protect the right to life and health of its inhabitants without regard to race, sex, religion, national origin, age or state of biological development" as well as "parties whose

individual and familial rights and interests are at stake."

Driving to the heart of the abortion controversy, Grant's resolution says "there is no point in time between the union of human sperm and egg, or at least the blastocyst stage and the birth of the infant at which we can say the unborn child is not biologically human life."

The measure identifies changes be-

tween implanted embryos, six-month-old fetuses, week-old children and mature adults as "merely stages of development and maturation."

Another aim of the proposal calls for parents and guardians to be notified prior to abortions performed on their minor children and the development of statistical data regarding abortions to aid women in "making an informed decision relative to pregnancy termination."

The resolution notes "that there is a great deal of misinformation and ignorance about the development of the potentiality of human life in the womb from the time of conception onwards until the birth of the child, and that many people, including pregnant women, are not aware of this development."

Under "the stress of circumstances said persons fail to obtain information about this development," according to the proposal, "and knowledge of this development can have a decisive influence on the exercise by a pregnant woman of her constitutionally protected right of privacy with regard to abortion."

"Abortion subsequent to the end of the first trimester should be performed only in a hospital offering the maximum

See ABORTION, Page 2C

# Niceville OKs commercial dock proposal

By VINCE PAPSIDERO  
Journal Staff Writer

NICEVILLE — The first steps towards constructing a proposed \$300,000 commercial dock have been taken and the Warner Cable franchise contract has been approved by the city council.

By a vote of 4-1, the council Tuesday nodded its approval of a proposal to construct a 21-slip docking facility off Bay Shore Drive.

The project would be partly financed by federal money through an Economic Development Administration grant totaling \$180,000.

The remaining \$120,000 would be shared equally by the city of Niceville and the Coastal Plains Regional Commission, according to Wayne Goodson, grants coordinator.

Mayor Randall Wise, attending a Florida League of Cities pre-legislative conference in Tallahassee this week, will be presenting the pre-application to the EDA.

A finance committee report was made public Tuesday estimating the net profit the city would make following dock construction.

The report, which was compiled by councilmen Watson Hodge and William

H. Herndon, estimated that with an eight-boat minimum on a lease basis, the city could expect to make \$1,734 in net profit on an annual basis. This figure didn't include water and sewage service, along with the sale of fuel.

At an earlier council meeting, Goodson said the city's \$60,000 share of construction costs could be earned back through slip rentals, or perhaps the selling of gasoline or garbage pick-up.

The Warner Cable franchise agreement was approved by the city council, ending a situation with roots going back to March when the city first took a look at getting into the cable television business.

Under the 15-year agreement, the city's options upon expiration permit renewal of the existing contract, renegotiation of a new franchise or negotiations with another company in addition to the purchase option.

The agreement hiked the franchise fee, the percentage of gross revenues paid by the firm to the city, from three to five percent. Warner also agreed to extend service throughout the city within 120 days after a service request is received.

The firm is allowed to charge subscribers for extra materials and labor incurred in reaching remote and inaccessible areas.

# Abortion

From Page 1C

safeguards to the life and health of the pregnant woman," says the measure.

Grant said the resolution is just that — a resolution and not legislation.

"I want to see reaction from other councilmen first," said Grant. "So far it's been satisfactory."

But Councilman Jim Baughman, who cast the only vote Tuesday against denial of a zoning variance required for a proposed clinic which planned to make abortion referrals without perform-

ing abortions, said Wednesday he opposed the resolution.

"I don't think we need more government in that area," said Baughman.

"I was disappointed we couldn't make the council vote unanimous," said Grant of Tuesday's vote against the variance request. "But everyone's entitled to their own opinion."

City Attorney Walt Smith termed the resolution "vague," saying "it looks like an expression of intent opposed to abortions except in certain circumstances."

"In my opinion, the city can't get into the regulation of abortions," said Smith. "It's not within the province of the city council."

## Veteran affairs hearing slated

FORT WALTON BEACH — All systems are "go" for today's public

## *Douglas championed the right of privacy for individuals*

### Our wire services

**WASHINGTON** — On June 7, 1965, Americans discovered they are endowed with the constitutional right of privacy.

Supreme Court Justice William O. Douglas, supported by six of his eight colleagues on the nation's highest court, authored a landmark in law called *Griswold vs. Connecticut* which said privacy, a word never mentioned in the Constitution, was entitled to the utmost protection.

The court's decision overturned an ancient state law that had banned the use of contraceptives and giving advice about birth control devices.

Douglas' opinion said the law violated the right of privacy, a right "created by several fundamental constitutional guarantees." The court's

two dissenters accused Douglas of inventing rather than judging, but the court eight years later applied Douglas' doctrine to a woman's right of privacy to legalize abortion.

Most of Douglas' contributions to the development of American law came in his dissenting opinions — many of which he saw become the foundation of subsequent majority decisions.

His expansive views on individual rights were expressed as minority opinions for years before the court took a more activist and liberal turn in the 1960s.

Douglas' early views on legislative reapportionment expressed in a dissenting opinion were much later adopted by Chief Justice Earl Warren and a court majority to establish the one-man, one-vote doctrine.



# Dull amendments cover big issues

By CRAIG MATSUDA  
Knight-Ridder News Service

The impact of five constitutional amendments that will be on the Nov. 4 ballot won't be as dramatic as the one approved in October raising the homestead exemption — at least not as it concerns voters' pocketbooks.

But the amendments would affect the quality of their roads and the cost of their water service.

The amendments also could change the way citizens can legally keep the government out of their private business.

The proposals could alter the way changes are made in the state Constitution, the basic document of Florida government.

And the amendments could end the archaic practice of requiring some types of legislative bills to be read aloud.

Here's what each amendment would do:

## AMENDMENT NO. 1

Incoming House Speaker Ralph Haben, calling the Constitutional Revision Commission a "debacle," is campaigning for Amendment No. 1, which would abolish the 36-member panel.

Florida Common Cause and the League of Women Voters both are urging voters to defeat the amendment and keep the commission, whose members are appointed to meet every twenty years.

The commission, scheduled to meet next in 1998, is charged with reviewing and proposing to the electorate changes in the state constitution.

Haben thinks the revision commission is "too political."

He also thinks there are sufficient other ways to get a constitutional amendment on the ballot. Individuals can get an amendment on the ballot by collecting signatures equal to eight per cent of the statewide vote in the last election. A convention to consider the entire constitution can be called by gathering 15 per cent of that same vote.

But the constitution does need periodic review, and the only way to get that done is to have the Constitutional Revision Commission do it, says Peter Butzin, Florida Common Cause executive director.

"Technically, the Legislature could study the constitution every now and then to see if it needed to be updated or altered," Butzin says. "But they (legislators) just don't have the time or patience to do the job as it should be done."

Much of the debate over the need for the commission centers on the effectiveness of the last commission, which met in 1978 and had a budget of about \$350,000. It worked for six months, hearing expert testimony from several hundred witnesses before proposing a number of amendments which were rejected by the voters.

But many of the group's recommendations eventually were adopted in one form or the other. The commission, for example, suggested that Public Service Commissions members be appointed rather than elected; this was done.

(Please see AMENDMENTS, page 4B)

# Amendments

(Continued from page 1B)

## AMENDMENT NO. 2

Its language is short and seemingly simple, but its effects may be sweeping.

That's the controversy on Amendment No. 2, which would establish a right of privacy.

It says: "Every natural person has the right to be left alone and free from government intrusion into his private life except as otherwise provided herein. This amendment shall not be construed to limit the public's right of access to public records and meetings as provided by law."

Sen. Jack Gordon, D-Miami Beach, sponsored the privacy legislation which is also being supported by advocates of gay rights and the legalization of marijuana.

"Most people automatically assume they have this right (of privacy)," he says. "But in the increasingly sophisticated world we live in with its wiretaps and excessive data collection, this amendment says, 'You have the right to be left alone. The government should stay out of your business.'"

Sens. Ed Dunn, D-Daytona Beach and Don Childers D-West Palm Beach, disagree, arguing that the principle of privacy is good but the wording of the amendment is bad. The language is too broad and might lead to unforeseen and unwanted legal disputes, they say.

Three state — Alaska, California and Montana — have added constitutional privacy provisions since 1972.

## AMENDMENT NO. 3

Amendment No. 3 would eliminate the required ritual that occurs in the deserted chambers of the state Legislature at the end of each day.

A trio of legislative officers meets, and a clerk reads short summaries, or titles, of all new bills.

Those titles will be printed the next day in a legislative journal. Because House and Senate members get copies of the journal and the bills themselves, they don't stay to hear the late-hour recitations.

Clerk of the House Allen Morris supports this amendment, which he thinks would eradicate an "anachronistic" practice.

## AMENDMENT NO. 4

The state could help cities and counties save money when financing water-treatment projects if voters approve Amendment No. 4, proponents argue.

Voters could do this by letting the state issue its bonds for such projects, says Rep. Tom Gustafson D-Fort Lauderdale.

The state now can issue bonds for county and municipal pollution control, and sewer and garbage facilities.

But the lower-interest state bonds

can't be issued to finance water-treatment projects, Gustafson says.

This means counties and cities must pay the private bond market's higher interest rates to build such facilities. The public generally foots the bill for the higher interest costs.

## AMENDMENT NO. 5

It says "tax" on the ballot, but

highway financing officials hope voters will approve constitutional amendment No. 5 anyway.

Voters would not have to pay additional taxes if they approve the amendment, which would allow local governments to spend gas-tax revenue on road maintenance instead of only for construction.

Write In:  
**Jack Todd**  
Supervisor  
of  
Elections



Paid Political Advertisement, Art Wimberly Jr., Campaign Treasurer

November 4, 1980

SUPERVISOR OF  
ELECTIONS  
**WRITE IN  
TOM BATES**



Paid for by Joy Anderson, Treasurer

**George  
Anderson**  
District 1  
**School Board**



Free Ride to the Polls  
222-5334 or 222-9260

Pd. Pol. Adv. Betty Ely, Treas.

**MOBLEY**  
write in  
**M-o-b-l-e-y**  
Supervisor of  
Elections



ABOUT THE CANDIDATE

# State Questions Are a Mix of Roads, Water, Privacy

By CRAIG MATSUDA  
Herald Staff Writer

The impact of five constitutional amendments that will be on the Nov. 4 ballot won't be as dramatic as the one approved in October raising the homestead exemption — at least not as it concerns voters' pocketbooks.

But the amendments could affect the quality of their roads, the cost of their water service, and the way citizens legally can keep the government out of their private business.

The proposals also could alter the way changes are made in the state Constitution, and could end the archaic practice of requiring some types of legislative bills to be read aloud.

Gov. Bob Graham, who toured the state to promote the October amendments, hasn't been out talking about the November issues, said press secretary Steve Hull. Graham supports all the amendments except the privacy one, which he thinks may conflict with existing laws. But he hasn't scheduled any time to campaign for them, Hull said.

Here's what each amendment would do:

## Amendment No. 1

Incoming House Speaker Ralph Haben, calling the Constitutional Revision Commission a "debacle," is campaigning for Amendment No. 1, which would abolish the 36-member panel.

Florida Common Cause and the League of Women Voters both are urging voters to defeat the amendment and keep the commission, whose members are appointed and meet every 20 years.

The commission, scheduled to meet next in 1998, is charged with reviewing and proposing to the electorate changes in the state Constitution.

Its members, who receive expenses but no salary, are chosen by the governor, House speaker, Senate president and chief justice of the

The amendments could affect the quality of our roads, the cost of our water service, and the way citizens legally can keep the government out of their private business.

state Supreme Court.

Haben thinks the revision commission is "too political." He also thinks there are sufficient other ways to get a constitutional amendment on the ballot. Individuals can get an amendment on the ballot by collecting signatures equal to 8 percent of the statewide vote in the last election.

"The Constitution is your basic, legal framework," Haben says. "You get yourself a good one, then you don't go tinkering around with it every 20 years — there's no need to. As they say, if something isn't broken, don't fix it."

But the Constitution does need periodic review, and the only way to get that done is to have the Constitutional Revision Commission do it, says Peter Butzin, Florida Common Cause executive director.

"Technically, the Legislature could study the Constitution every now and then to see if it needed to be updated or altered," Butzin says. "But they [legislators] just don't have the time or patience to do the job as it should be done."

The commission also can tackle issues that legislators might not, says Ruth Ann Branson, president of the Florida League of Women Voters.

"We feel the commission can tackle politically sensitive issues that the Legislature might be unable or unwilling to attack," she says.

Issues the Legislature might be reluctant to consider include tax questions, reapportionment and the

legislators' own powers and duties, Butzin says.

Much of the debate over the need for the commission centers on the effectiveness of the last commission, which met in 1978 and had a budget of about \$350,000. It worked for six months before proposing a number of amendments which were rejected by the voters.

But many of the group's recommendations eventually were adopted in one form or another. The commission, for example, suggested that Public Service Commission members be appointed rather than elected; this was done.

## Amendment No. 2

Its language is short and seemingly simple, but its effects may be sweeping.

That's the controversy on Amendment No. 2, which would establish a right of privacy.

It says: "Every natural person has the right to be left alone and free from government intrusion into his private life except as otherwise provided herein. This section shall not be construed to limit the public's right of access to public records and meetings as provided by law."

Sen. Jack Gordon (D., Miami Beach) sponsored the privacy legislation, which also is being supported by advocates of gay rights and the legalization of marijuana.

"Most people automatically assume they already have this right [of privacy]," he says. "They don't

think the government has the right to tell them what to do in their homes with their furniture or the color of their walls.

"But in the increasingly sophisticated world we live in with its wiretaps and excessive data collection, this amendment says, 'You have the right to be left alone. The government should stay out of your business.'"

Sens. Ed Dunn (D., Daytona Beach) and Don Childers (D., West Palm Beach) argue that the principle of privacy is good, but the wording of the amendment is bad. The language is too broad and might lead to unforeseen and unwanted legal disputes, they say.

The amendment preserves the public's right of access to public records and meetings.

But it might handicap law-enforcement officers, legalize marijuana, condone sexual perversion and invalidate many other laws, Dunn says.

Childers is speaking out against the amendment and is urging church leaders throughout the state to do so, too.

"What specific abuse is this amendment designed to address?" Dunn asks. "I'm not sure. I'm also not sure what impact this measure will have on our existing laws, though as a lawyer I can tell you this: If this amendment is approved, I predict we'll have a legal field day."

"Every lawyer will be testing every law now on the books, saying it intrudes on his client's right of privacy."

Not so, says Patricia Dore, a Florida State University law professor who studied privacy legislation in 1978 for the Constitutional Revision Commission.

Three states — Alaska, California and Montana — have added constitutional privacy provisions since 1972, Dore said. In those states, fewer than 15 privacy cases have been filed in courts.

The National Organization for

the Reform of Marijuana Laws (NORML) believes the amendment might assist the group in arguing against some drug laws, says lawyer Larry Berrin, NORML state coordinator.

(In Alaska, that state's privacy amendment was used to win a limited decision allowing a marijuana user the right to smoke a small amount of pot in the privacy of his own home, Dore says.)

The Congress United for Rights and Equality, a gay-rights group, also is actively campaigning for the privacy provision, says leader Bob Kunst.

"This would get the government out of people's bedrooms," Kunst says.

The Florida Prosecuting Attorneys Association, representing prosecutors in 17 of the 20 state judicial circuits, opposes the amendment. It fears the proposal would hamstring investigators and legalize so-called "victimless" crimes.

## Amendment No. 3

Amendment No. 3 would eliminate the required ritual that occurs in the deserted chambers of the state Legislature at the end of each day.

A trio of legislative officers meets, and a clerk reads short summaries, or titles, of all new bills.

Those titles will be printed the next day in a legislative journal. Because House and Senate members get copies of the journal and the bills themselves, they don't stay to hear the late-hour recitations.

Clerk of the House Allen Morris supports this amendment, which he thinks would eradicate an "anachronistic" practice.

## Amendment No. 4

Florida can help cities and counties save money when financing water facilities, such as treatment plants, if voters approve Amendment No. 4, proponents argue.

Voters could do this by letting

the state issue its bonds for such projects, says Rep. Tom Gustafson (R., Fort Lauderdale).

The state now can issue bonds for county and municipal pollution control, and sewer and garbage facilities.

But the lower-interest state bonds can't be issued to finance water-treatment projects.

This means counties and cities must pay the private bond market's higher interest rates to build such facilities.

"These things have become more expensive and difficult to finance. Water is now a crucial issue in development, particularly in the urban areas," Gustafson said. "And any way that we can find to save a few points in today's tough bond market — that can add up to real savings for taxpayers."

On a \$10-million, 30-year water-treatment project, a savings of \$2.4 million in lower interest costs could be realized if state rather than private bonds were issued, says Broward County Assistant Administrator Eugene Suter.

## Amendment No. 5

It says "tax" on the ballot, but highway financing officials hope voters will approve constitutional amendment No. 5 anyway.

Voters would not have to pay any additional taxes if they approve the amendment, which would allow local governments to spend gas-tax revenue on road maintenance instead of only for construction.

Proponents say the change would allow counties to stretch their limited budgets.

The state collects eight cents a gallon in gasoline tax. Two cents of that — which adds up to more than \$100 million a year — are sent back to cities and counties to be spent on new road construction.

The amendment would let local governments spend that revenue not only to build new roads, but to maintain existing ones.

## Privacy, abolition propositions should be rejected at the polls

Of the five proposed state constitutional amendments on the ballot next Tuesday, two — a right to privacy and abolishing the Constitution Revision Commission — are generating heat.

The News-Press opposes both.

The privacy proposition looks good at first blush: **“Every natural person has the right to be let alone and free from governmental intrusion into his private life**

**except as otherwise provided herein. This section shall not be construed to limit the public’s right of access to public records and meetings as provided by law.”**

But it is likely to be seized upon by various groups as legitimizing their anti-social life styles. Homosexuals are campaigning for the amendment, and others are predicting that it would undercut laws against sodomy, pornography, gambling, incest,

drug use, sex between unmarried adults, truancy and other “victimless crimes.”

Some original supporters of the amendment are having second thoughts because of what interpretations the courts may make of it.

Invasion-of-privacy suits, even by public officials whose activities are legitimate public concerns, are likely to abound if the amendment is approved.

The legislative intent of the amendment, in this Computer Age, ostensibly was to curtail the collection of information about people that the government or business organizations had no business knowing. But its language is too encompassing to become a part of the Florida Constitution.

While the Constitution Revision Commission earned criticism for its methods and proposals two years ago, that’s not sufficient reason to abolish the commission.

The abuses of that commission will not necessarily be perpetuated by the next commission, which will have the responsibility of reviewing and recommending changes to the constitution in 1998. A 20-year review is a good thing, and should continue.

The other three proposed changes are largely technical and procedural, having little if any effect on most people.

## Judges Grimes, Hobson have earned retention

Judicial elections on the Nov. 4 ballot are focused on merit retention. Here’s how it works. A “yes” vote means a judge will serve another six-year term. A “no” vote will result in removal.

If a judge is removed by voters, Gov. Bob Graham will appoint a replacement from nominees recommended by a Judicial Nominating Commission.

The only controversy in Florida Supreme Court voting involves Justice Joe Boyd. The Florida Consumers Federation opposes Boyd’s retention. In a poll of members of the Florida Bar, Boyd scored only 51 percent in favor of retention — considera-

bly lower than all other justices.

Southwest Florida voters also vote on the retention of two Second District Court of Appeals judges — Stephen H. Grimes and T. Frank Hobson Jr.

Grimes scored a 92 percent vote for retention in the Florida Bar poll. Hobson scored 76 percent for retention.

This newspaper doesn’t always agree with Grimes and Hobson. However, their decisions are traditionally well-reasoned and fair.

We recommend that you vote in favor of their retention on the Second District Court of Appeals.

## Vote to strengthen the right of privacy

Although there is ample room for reasonable people to differ about the merits and/or risks involved in the Right of Privacy amendment on Tuesday's ballot, both liberals and conservatives should be able to justify support for the proposal.

The amendment is broad, its exact application is vague, and so its interpretation would rest ultimately with the courts. But it is impossible for a basic Bill-of-Rights protection of this type to cover every potential application, and therefore its scope can be defined only by the courts. Like so many other cases in which conflicting rights are involved, the effectiveness of this proposal depends on a reasonable interpretation of privacy by the courts. But the need to rely on reason for eventual guidelines does not justify rejection of the proposal itself.

The amendment directly addresses the danger that state government could increasingly intrude into the private lives of Floridians. And it would help prevent any future unwarranted intrusions by bureaucratic rules or legislative fiat.

The amendment does not impede a citizen's access to public records or meetings. It says specifically, "This section shall not be construed to limit the public's right of access to public records and meetings as provided by law."

Critics of the amendment contend that it duplicates existing federal protection of privacy which, however, is insufficient and which is derived loosely from diverse sources. The U.S. Supreme Court, in fact, has encouraged the states to protect more thoroughly the privacy of citizens, and the amendment is an explicit attempt to do just that.

Further, the proposal would not prevent government regulation of conduct proclaimed to be private but which also infringes on the rights, safety and health of others. But rights exist in balance, precarious though that may be — and the privacy amendment would do nothing to adversely affect the scale. Nor would the amendment provide a shield for errant governmental agencies or business corporations since it specifies that only "every natural person has the right to be let alone . . . ."

One objective of the amendment is to restrict government from collecting extraneous private information about individuals, then disseminating that information at random, and also to provide citizens with the right to question and challenge the validity of unwarranted governmental snooping. Certainly the more governments know about the personal lives of citizens the greater temptation there is to attempt to regulate those lives. And to the extent lives are regulated, freedom is lost.

It is highly unlikely that the amendment would hamper law enforcement agencies since such agencies would remain subject to the same search and seizure provisions that are both constitutionally permitted and prohibited now. Legitimate investigative tactics would not be hindered, those not so legitimate might be — although many people under investigation might attempt to hide behind the amendment until enough case law is developed to define the exact protections provided by the proposal.

In a real sense the proposal would be a lawyer's relief act, and any measure that increases litigation significantly causes concern. But like most things in the legal system and in life, the amendment involves conflicting interests, rights and pressures. On balance, it is worth trying to insert the right of privacy in Florida's Constitution.

A vote for the Privacy Amendment — Constitutional Amendment No. 2 — would be tantamount to purchasing a fire extinguisher before the fire starts, and The Miami News recommends that such a precaution be taken on Tuesday.

## He favors privacy pact

**Editor, The Tampa Times:**

While you suggest a "careful study" of the proposed Constitutional Amendment No. 2, you editorially opposed it (Times, Oct. 22). Obviously you didn't heed your own advice; otherwise you'd know and have passed on to your readers that the "privacy rights act" doesn't limit the public's right of access to public records and public meetings, such as financial disclosure and the sunshine laws.

Ironically only the day before your editorial, the U.S. Supreme Court refused to hear a lower court's decision from Illinois that took away three children from a mother living with a man, though they weren't married. Never did the issues of love, harmony and meeting the needs of the total family arise. What did arise was whether a marriage contract bound this unit.

However, in the 26 states that have consenting adult legislation, this mother would never have lost her children. Florida isn't one of those states. Statutes 798 and 802 prohibit fornication or cohabitation between men and women who aren't married.

Such stupidity and pain is unnecessary except for its selective enforcement and use as a political tool.

The point is what business is it of the government, politicians and religious fanatics how and whom people love in the privacy of their own home?

Florida's "grey-haired legislature" has also recommended eliminating these laws. Even the federal courts have refused to allow a dependent deduction on one's income tax in states with these laws, yet allow them in the other 26 states. This is another example of economic discrimination, yet alone disrespect for the law by the "dark deeds" of government on the backs and in the bedrooms of its citizens.

Privacy might also be a press issue, under First Amendment attack to maintain its sources or disclose them. Passage of this amendment could be used by *The Tampa Times* to challenge this issue for yourselves

as well as it could benefit all citizens subject to invasions of their privacies, where the state cannot prove its case for taking such actions.

The "privacy rights act" would also curb government surveillance, in a computer-age, a la Orwell's 1984, by again extending the benefits to the citizen instead of to the state.

Election day marks the anniversary of hostages taken by religious fanatics in Iran and what better way to honor them than by supporting the freedoms that make America the role-model and alternative to the rest of the world.

It's time to attack the abuses instead of excusing them. It's time to take control back over all of our lives and to resist lawlessness. It's time for accountability and responsibility and that is to vote for No. 2, the constitutional privacy rights act, where everyone wins and no one loses.

**Bob Kunst  
Miami Beach**

*The writer is co-director of Floridians for Privacy Rights. We're happy to present the other side. The Times editorial position remains against the amendment, for some of the same reasons Mr. Kunst is for it.*

### the small society



# Amendments Draw Vocal Opposition

By JIM WALKER  
Tribune Staff Writer

TALLAHASSEE — The assortment of constitutional amendments that Florida voters face election day has run, suddenly, into vocal opposition.

What started out was a collection of technical changes or housekeeping changes, linked to a proposed state declaration on the right to privacy.

Now:

- Homosexual groups have endorsed the privacy amendment and thus chilled some of support from within the Legislature.
- Editors are asking, on two of the other proposed amendments, whether they're really necessary. Why the rush to kill off the Constitution Revision Commission, which wouldn't meet again until 1998?

Likewise, the housekeeping proposal that would permit the House of Representatives and the Senate to publish the title of a bill in the daily journal and count that as the first reading of the measure.

Some editors are saying there are too many bills already, why make it easier to introduce more?

The other two amendments have not stirred notable opposition.

They would:

- Extend the right of the state to issue bonds to cover the cost of water facilities. State government already may issue such bonds to aid local government in constructing sewage treatment, garbage and air pollution control facilities.
- Permit local government to use the secondary gas tax — the two cents per gallon designated for local government use — for road maintenance as well as construc-

tion. The same amendment would restore the 40-year period for issuing bonds backed by the secondary gas tax. An ambiguity in the 1968 constitution implies no such bonds may mature later than 2008.

But the principal interest in the amendments appears to center on the privacy amendment which declares:

"Every natural person has the right to be let alone and free from governmental intrusion into his private life except as otherwise provided herein. This section shall not be construed to limit the public's right of access to public records and meetings as provided by law."

Virtually the same proposal was defeated by voters two years ago as part of a package offered by the Constitutional Revision Commission but proponents believe it

See AMENDMENTS, Page 5B

STATE

## Amendments

### • From Page 1B

was unfairly lost in controversies over other issues.

Bob Kunst, champion of gay rights in Dade County, calls the amendment a "spectacular bonanza" that would keep the state out of the bedroom.

Sen. Don Childers, D-West Palm Beach, an earlier advocate of the amendment who swung around to urge its defeat, said he fears numerous state laws would be struck down, laws ranging from anti-fornication to a prohibition on home-grown marijuana. "No one has given me a valid reason why we need this in our state constitution," said Childers, who also was author of the bill raising the drinking age to 19.

Proponents of the privacy measure, however, include such constitutional conservatives as Sen. Dempsey Barron, D-Panama City, who visualize a monolithic state government eventually keeping records on every citizen.

Rep. Jon Mills, D-Gainesville, sponsor of the measure in the House, said it was intended as a guarantee against such unwarranted governmental snooping.

The push to end the Constitutional Revision Commission comes in substantial part from incoming House Speaker Ralph Haben of Palmetto, his response to the citizen panel of 1978 that lumped 80 constitutional changes into nine constitutional amendments and lost every one at the ballot box.

There was no need for such a re-writing, Haben argues, yet the commission, reflecting ordinary human nature, decided it must do something.

The vote of the public was a vote of no confidence in such practices, Haben argues. There already are adequate methods of revising the state's document of government and citizen rights and offering the changes to the people for adoption: by three-fifths vote of the Legislature; by statewide petition; and by constitutional convention, which also can be mustered only by collection of signatures statewide.

Chesterfield Smith, the chairman of the 1966-68 Constitution Revision Commission and a former president of the American Bar Association, has been a leader among those opposed to the plan to abolish future commissions.

"This unseemly and pre-emptive attempt by power-selfish legislators to deprive future Floridians of an opportunity to address constitutional issues in 1998 is thus 'power politics' at its worst," Smith has said.

He defended the work of the com-

mission he headed by saying that although its work was rejected by voters, seven of the 12 amendments coming from the Legislature during the past two years are identical to those the commission produced.

Proponents argue that the only check on elected politicians is through this panel of citizens, named every 20 years, to examine the constitution and suggest changes independently without fear of losing an office or offending a constituency.

Neither the bond proposal for water facilities nor the gas tax provisions mean a tax increase, proponents are quick to note.

The state already may use its "full faith and credit" for bonds for local sewer and solid waste disposal improvements and, by law, requires these bonds be repaid from the revenues such facilities produce.

Rep. Harold Dyer, D-Hollywood, says the savings will be "astronomical" over the next few years as the heavily populated counties replace or expand well and water-treatment systems.

Cities and counties can sell revenue bonds at a lower interest rate if they're state backed because investors know the state will step in if there is a default by a local government.

The gas tax changes were being supported by county governments through a committee headed by Bill Birchfield, former legislator and member of the constitutional revision commission, who is now chairman of the Jacksonville Transportation Authority.

Small counties need the amendment to permit them to maintain their county roads with current gasoline taxes, Birchfield's group contends, and the larger counties need the ambiguity taken out of the 1968 constitution so that 40-year bond issues can finance expressway systems.

The bill publication change is sought by legislators who contend that the process needs streamlining. Currently, a clerk and a legislator meets in an empty chamber to read aloud the title of a bill to satisfy the first reading requirement. The amendment would eliminate this process, which sometimes can last 45 minutes, by publication of the bill title in the journal.

The Legislature introduces, literally, thousands of bills in a session and passes hundreds. What's needed is for the House and Senate members to have to sit through the laborious introduction of the bills, through the reading aloud process, to discourage so much legislation, critics contend.

END-25

# Local Focus

The Tampa Times | Monday, October 27, 1980 | Page 8-A

**Aimed at business end of government**

## Voters facing five amendment decisions

This is the first in a series of stories detailing issues and races on next Tuesday's election ballot. The series ends Election Eve with articles reviewing the presidential campaigns in Hillsborough County and two other important federal races.

By JON PECK  
Times Political Writer

Overlooked among Florida's presidential and U.S. Senate campaigns are five constitutional amendments that will be decided by the state's voters next Tuesday.

The five are for the most part uncontroversial, suggesting changes that would have more impact on the way government does its business than on the lives of Floridians. One, however, has created a stir among groups on both sides of the gay rights issue.

Briefly, here is a look at the five proposed constitutional amendments:

### Constitution revision

Amendment 1 would abolish the state Constitution Revision Commission, which is — depending on whom you listen to — either the only direct access Floridians have to their constitution or a useless waste of time and money.

The 1978 Constitution Revision Commission made the first formal review of the 1968 constitution conducted by a non-elected panel. The group proposed more than 90 sweeping changes, and all were rejected soundly by the voters.

House Speaker-designate Ralph Haben, unhappy with the commission's performance, convinced the Legislature to let the voters decide whether to abolish future revision panels.



The next one is scheduled to convene in 1998. Haben maintained the revision process is a fruitless waste. The Legislature and the initiative petition process offer ample access to the state constitution, he argued.

But opponents of Amendment 1 believe the initiative route is too cumbersome and the Legislature too reluctant to place controversial measures before the voters. The revision process, they say, is the only guaranteed access citizens have to their constitution.

In addition, they contend, the fate of future revision commissions shouldn't be judged so soon after the 1978 effort, which many say was caught up in a wave of sentiment against a casino gambling proposal.

### Privacy

Somewhere in the memory banks of government computers around the state sits all kinds of information about each of us: age, address, drivers license number, arrest record, political party affiliation — the list goes on and on.

The government, of course, believes it needs all the information in order to do its job better. But some people believe it amounts to an invasion of privacy, especially when members of the general public can gain access to the information.

Amendment 2 is a simply-worded but controversial pro-

posal that would create a constitutional right of privacy, by guaranteeing the right to be let alone from government intrusion. The measure wouldn't interfere with access to public meetings and records.

Supporters maintain the proposal would simply give citizens a legal leg to stand on when they believe their privacy has been violated. The proposal, they say, would force government to justify requests for more information than a citizen believes is necessary.

But the measure has been caught up in a controversy over gay rights, marijuana use and other civil liberties. Gays believe the amendment would ensure them the right to conduct their private lives as they see fit, and marijuana supporters have the same hopes for use of the illegal weed.

The proposal's drafters insist all those issues have nothing to do with their amendment. They say the ballot question is a simple statement that would not result in the anarchy opponents predict.

### First reading

Amendment 3 is a legislative housecleaning measure that would have almost no impact on the average Floridian, but would make the life of legislators and their staff a little simpler.

The constitution requires that bills coming before the Legislature be read into the public record three times. The last readings come during actual debate on bills, but the first reading ritual serves only to let the public know when bills are introduced.

Supporters of the amendment say computerized journals have made the formal first reading process useless, what incoming House Speaker Ralph Haben calls "an anachronism

and a waste of time, given today's technology."

The ballot amendment would dispose of the first reading routine, allowing publication of a bill in the official journal to be counted as proper first reading.

### Water bonds

Cities and counties have been allowed to issue state-backed bonds — at lower interest rates — for air and water pollution control devices and waste disposal facilities.

They have not, however, been able to use that bonding ability for the construction of fresh water supply facilities. Amendment 4, if approved, would extend that power to include water treatment and water conveyance facilities.

The amendment has been endorsed by the Florida League of Cities, which says it would reduce the cost of public water systems.

### Gas tax

Local governments throughout the state recently have done widespread road building, aided by money collected from the state's 5th- and 6th-cent gas tax. But now those roads are in need of repair, and the gas tax money can't be used for maintenance.

Amendment 5 would allow those funds to be used to fix up roads that are already there, and would give greater flexibility to local governments that do need to build more roads.

Some counties have issued construction bonds to build new roads and have relied on gas tax revenues to pay for them. State officials say the best bonds are for 40 years, but the gas tax is set to expire in only 28 years.

The amendment would extend the tax indefinitely, and would specifically provide for 40-year bonds.

Page 6C    Pensacola News Journal    Sunday, October 26, 1980

# Homosexuals, conservatives raise privacy amendment controversy

By ANNE S. CROWLEY  
Associated Press Writer

MIAMI — A right to privacy measure, which seemed innocuous enough to its sponsors in the Legislature, is generating surprising controversy as the Nov. 4 general election nears.

The proposed amendment to the Florida Constitution has drawn strong backing from South Florida's homosexual rights activists and opposition from some conservatives — for strikingly similar reasons.

The homosexuals say judges would interpret it as legalizing their lifestyles, as well as those of co-habiting heterosexual couples.

The conservatives agree — and they don't like it. They believe the amendment also could negate laws against other so-called "victimless" crimes.

But the befuddled legislators who put the amendment on the ballot say that's not what they had in mind at all. The amendment, they say, came because they're worried about technological advances that could enable governments to compile extensive computer files on citizens.

"I think the politicians don't want to take responsibility for dealing with such touchy issues, but they're setting it up in such a way for the courts to do it," Alan Rockaway, a gay rights leader, says confidently.

Privacy was one of 57 separate changes in one amendment rejected by Florida voters in 1978. The Legislature voted overwhelmingly this year to pose the question separately.

Other proposed amendments on the Nov. 4 ballot would abolish the state's Constitution Revision Commission and eliminate a time-consuming legislative "first-reading" rule. Two other proposals, which would allow counties to sell road bonds to pay for road maintenance and other local governments to sell bonds to finance water facilities, have drawn the endorsement of the Florida League of Cities.

But it's the right to privacy amendment that has spurred rallies and press conferences.

"Generally, it's to prevent the 1984 George Orwell nightmare vision of Big Brother, of the TV set watching you back," Rockaway says. "It's based on the idea that the framers of the Constitution could have never imagined the technical advances of the last few years."


The homosexuals also expect a "reordering of police priorities" on private marijuana use and prostitution if the amendment becomes part of the state constitution, Rockaway says.

Mike Thompson, chairman of the Florida Conservative Union, calls the amendment "a legal can of worms."

"If you look at the only active support, they (the gays) clearly believe passage of the privacy amendment would legitimize their lifestyle," he says. "I think they've made my point."

He believes the amendment could undercut laws against sodomy, pornography, gambling, incest, drug use, sex between unmarried adults, truancy and even motorcyclist helmet laws.

"The people of Florida don't realize that's what these words mean," agrees lawyer Bob Brake.



## Gay Rights Activist Speaks For Privacy Act

By STEVE PIACENTE  
Tribune Staff Writer

"Our issue is getting government and religious fanatics out of peoples' bedrooms," gay rights activist Bob Kunst said Thursday from the steps of City Hall.

Kunst, best known for his clashes with singer Anita Bryant over a homosexual-rights ordinance in Dade County, said he came to Tampa to gain support for a constitutional amendment called the Privacy Rights Act.

The amendment says an individual "shall be let alone and free from governmental intrusions into his private life."

Kunst said, "A vote for the Privacy Rights Act would create a new majority, incorporating all the alternative lifestyles. It would also give the people the opportunity to take back control over our own lives, our own bodies and minds, free of legislative directive or prohibition which is uninvited."

Kunst said he has been well received in Tampa and has raised \$700 for the Miami-based Floridians for Privacy Rights.

Kunst called an Oct. 22 Tampa Times editorial urging voters to vote against the amendment "reprehensible."

The editorial said, in part, "Writing a privacy

amendment into the constitution offers an invitation for people with something to hide to fend off public access to information regarding mismanagement, graft and obstruction of justice."

From Tampa, Kunst said he went to St. Petersburg to try to get presidential candidate Ronald Reagan's views on the amendment.

A Reagan aide said the candidate didn't take positions on state issues, but Kunst said, "He took the information, smiled and said he would get back to me on it."

"He seemed very interested in it," Kunst said. "I think we got a positive response."

2-C Sentinel Star, Friday, October 24, 1980

# Privacy amendment caught in swirl of controversy

Associated Press

MIAMI — A right to privacy measure, which seemed innocuous enough to its sponsors in the Legislature, is generating surprising controversy as the Nov. 4 general election nears.

The proposed amendment to the Florida Constitution has drawn strong backing from South Florida's gay rights activists and opposition from some conservatives — for strikingly similar reasons.

Homosexuals say judges would interpret it as legalizing their lifestyles, as well as those of co-habiting heterosexual couples.

The conservatives agree — and they don't like it. They believe the amendment could also negate laws against other so-called "victimless" crimes.

But the befuddled legislators who put the amendment on the ballot say that's not what they had in mind at all. The amendment, they say, was proposed because they're worried about technological advances that could enable the government to compile extensive computer files on citizens.

"I think the politicians don't want to take responsibility for dealing with such touchy issues, but they're setting it up in such a way for the courts to do it,"

Alan Rockaway, a gay rights leader, says confidently.

Privacy was one of 57 separate changes in one amendment rejected by Florida voters in 1978. The Legislature voted overwhelmingly this year to pose the question separately.

Other proposed amendments on the Nov. 4 ballot would abolish the state's Constitution Revision Commission and eliminate a time-consuming legislative "first-reading" rule. Two other amendments, which would allow counties to sell road bonds to pay for road maintenance and other local governments to sell bonds to finance water facilities, have drawn the endorsement of the League of Women Voters.

But it's the right to privacy amendment that has spurred rallies and press conferences.

"Generally, it's to prevent the 1984 George Orwell nightmare vision of Big Brother, of the TV set watching you back," Rockaway says. "It's based on the idea that the framers of the Constitution could have never imagined the technical advances of the past few years."

The homosexuals also expect a "reordering of police priorities" on private marijuana use and prostitution if the amendment becomes part of the state constitution, Rockaway says.

Mike Thompson, chairman of the Florida Conservative Union, calls the amendment "a legal can of worms."

"If you look at the only active support, they (homosexuals) clearly believe passage of the privacy amendment would legitimize their lifestyle," he says. "I think they've made my point."

He believes the amendment could undercut laws against sodomy, pornography, gambling, incest, drug use, sex between unmarried adults, truancy and even motorcyclist helmet laws.

Curtis Kiser, the Republican House leader who co-sponsored the measure, says the opinions of homosexuals and conservatives are "garbage."

"I don't understand that," says the Palm Harbor legislator. "I don't see what's in it for the gays. That's completely off the wall."

Alaska, California and Montana are the only states with privacy guarantees in their constitutions. Alaska courts have ruled that individuals may use and grow small amounts of marijuana in their homes.

State Rep. Jon Mills, D-Gainesville, the author of the proposal, called the Alaska ruling an "unusual case." The courts didn't legalize marijuana, he says, just said that it was private.

Mills says that federal courts have never overturned any state laws dealing with sexual conduct in the 20 years that privacy has been part of the U.S. Constitution. He calls the amendment "quite conservative" and feels certain Florida judges wouldn't use it to overturn many existing laws.

"It's time to get government, politicians and religious fanatics out of people's bedrooms once and for all," says Miami gay rights activist Bob Kunat.

"There's no Gestapo going around knocking on the doors of Floridians — nobody is being dragged into the street for committing adultery," counters Thompson. "If anybody can point to serious abuses of privacy, where law-abiding citizens are being abused by any government, then I'd support that specific legislation or specific amendment."

"But I think this type is suspicious," Thompson says.

Amendments doing away with the state Constitution Revision Commission and shortening procedures for introduction of new bills have no known opposition.

The League of Women Voters, mindful of voter tendencies to reject any amendment that involves money, has launched a "Two for Tomorrow" drive to rally support for the two bond amendments.

## Commissioners table vote on state privacy amendment

By Mary Hladky  
Staff Writer

Dade County gay rights activist Bob Kunst has brought his campaign for "free lifestyles" and against "religious fanaticism" to Palm Beach County, but county commissioners have refused to lend their support to his cause.

Stony-faced commissioners fought yesterday as Kunst asked for their endorsement of the "Right to Privacy" state constitutional amendment that will appear on the Nov. 4 ballot, and appeared no more comfortable when State Sen. Tom Childers D-West Palm Beach, retired from the New Testament and urged them to pass a resolution opposing the amendment.

As soon as the two speakers concluded their remarks, commissioners jumped to the microphones, interrupting each other with suggestions to take no stand on the matter.

Commissioner Bill Bailey went out with his motion to table the issue.

"I think this is a matter to be decided by the voters on Nov. 4," Bailey said.

Only Commissioner Peggy Evatt dissented, saying commissioners should pass a resolution opposing the proposed amendment.

Kunst, who made two unsuccessful bids for Dade County voter approval of a Human Rights Ordinance, told commissioners the Right to Privacy amendment will give state residents the right to legally challenge government intrusion into their lives as well as the right to do whatever they want in their own homes as long as no one is harmed.

The amendment will, in effect, legitimize "alternative lifestyles," Kunst said, such as cohabitation of clerics unmarried people.

"Many responsible people are realizing that what you do in your own bedroom is your own business," Kunst said.

He termed the proposed amendment an avowal of human rights which mirrors guarantees given to all citizens in the U.S. Constitution.

But Childers maintained that members of the state house and senate did not understand the amendment when they voted to put it on the Nov. 4 ballot.

The amendment, he said, is too broad, unnecessary, could hamper certain types of investigations by law enforcement officers and "could open up every law we have to court challenge."

"If Mr. Kunst and others of his lifestyle are not satisfied with the State of Florida... then I ask them to move to some other area," Childers said.

Rep. Don Mills, D-Gainesville, who sponsored the amendment, has said its purpose is to give people more power to control the use of information collected by the government about them.

But ever since Kunst and other gay activists began campaigning for its passage, evangelical Christians have announced their opposition.

"I'm not at all upset by what happened here," Kunst said follow-

ing the commission vote. "We just want to expose the issue (through public appearances)."

LAWYER'S LIST	
COURT COSTS ADDITIONAL	
Bankruptcy, hour	185.
Corporations, hour	95.
Wills, simple	25.
Adoptions, hour	100.
FOR FURTHER INFO	CONTACT
J. DANIEL LEVINE	1-313-8811
PHONE: 788-8810	PHONE: 522-

**Albertsons**

**25% OFF LABEL CREST TOOTHPASTE**

REGULAR OR MINT YOUR CHOICE!

9 OZ. EA. 12¢

**Charcoal Lighter**

COMMITTEE ON GOVERNMENTAL OPERATIONS

BILL #: CS/HJR 387

OTHER COMMITTEE REFERENCE: None

SPONSOR(S): Reps. Mills, Kiser &  
Moffitt

SIMILAR/COMPANION BILLS: \_\_\_\_\_

RELATING TO: Constitutional Amendment  
relating to a right of privacy

COPY

reproduced by

FLORIDA STATE ARCHIVES  
DEPARTMENT OF STATE  
R. A. GRAY BUILDING

Tallahassee, FL 32399-0250

Series 19 Carton 731

February 7, 1980

I. SUMMARY

A. Present Situation

Presently, in Florida, there is no general state constitutional right of privacy.

B. Probable Effect of Proposed Changes

Passage of this resolution would submit for referendum, a constitutional amendment creating § 23, Art. I, State Constitution.

Section 23, Art. I, State Constitution, would guarantee every natural person freedom from unwarranted governmental intrusion into his private life.

II. PRIVATE SECTOR/STATE/LOCAL FISCAL IMPACT

Not determinable at this time.

III. COMMENTS

According to the United States Supreme Court, "the protection of a person's general right to privacy--his right to be let alone by other people--is, like the protection of his property and his very life, left largely up to the law of the individual states." Katz v. U.S., 389 U.S. 347, 350-351 (1967). However, the Florida Supreme Court, in Laird v. State, 342 So. 2d 962 (Fla. 1977), held that it was clear that Florida has no general state constitutional right of privacy.

Additionally, the Florida Supreme Court overturned a First District Court of Appeal decision recognizing constitutional "Privacy of Personhood" and concluded that "under the federal constitution a person's disclosural privacy is not as broad as was found by the district court and that under our state constitution no broader right is granted." Shevin v. Harless, Schaffer, Reid and Associates Inc., Case Nos. 54,405 and 54,406, Filed January 17, 1980.

At least ten (10) states have adopted express language in their constitutions to protect privacy, including Florida whose 1969 constitutional provision also protects "private communications" from unreasonable searches and seizures. Three (3) of these states have adopted a free-standing constitutional state right-of-privacy similar but not identical to the one being examined.

An identical amendment was agreed upon by the Constitution Revision Commission and included in the 1978 constitutional revision "package" for referendum.

IV. AMENDMENTS

None

PREPARED BY: Tina M. Williams

STAFF DIRECTOR: Rom

A-1

Pets.' App. 38

COPY

reproduced by  
FLORIDA STATE ARCHIVES  
DEPARTMENT OF STATE  
R. A. GRAY BUILDING  
Tallahassee, FL 32399-0250  
Series 19 Carton 131

PRIVACY

The purpose of this paper is to provide an informal overview of the right to privacy as a constitutional guarantee. It will attempt to identify the parameters of "the right to be let alone" as it has been defined in the Federal Court System. This paper will also briefly highlight recent significant state-level developments on the right to privacy.

The right to privacy is (at the very least) an expansive topic. Theoretically, it has been predicated upon the constitutional guarantees of life, liberty and the pursuit of happiness,<sup>2</sup> the Fourth Amendment,<sup>3</sup> and natural law.<sup>4</sup> The following study does not attempt to deal with the multiple roots nor the innumerable implications of the right to privacy. It should provide, instead, a general background of the constitutional boundaries of privacy.

Federal Constitutional Right of Privacy

The constitutional "right to be let alone" has long been an area of concern in both federal and state courts. Evolution of the modern concept of privacy began in 1886, when the United States Supreme Court noted for the first time that the Constitution, through the Fourth- and Fifth Amendments, protects "the privacies of life."<sup>5</sup> From this foundation the constitutional right to privacy has slowly expanded through a multitude of federal and state court decisions.

The most celebrated federal cases relating to the constitutional right of privacy are encompassed in what is often referred to as the "Griswold Constellation."<sup>6</sup> Decisions in the following cases circumscribe the scope of constitutional privacy in the following areas: (1) decisional autonomy: Roe v. Wade, 410 U.S. 113 (1973); Doe v. Bolton, 410 U.S. 179 (1973); Loving v. Virginia, 388 U.S. 1 (1967); Griswold v. Connecticut, 381 U.S. 479 (1965); Pierce v. Society of Sisters, 268 U.S. 510 (1975); Meyer v. Nebraska, 262 U.S. 390 (1923); Allgeyer v. Louisiana, 165 U.S. 578 (1897); Paul v. Davis, 424 U.S. 693 (1976). (2) Governmental Surveillance: Katz v. United States, 389 U.S. 347 (1967). (3) Governmental Collection of Information: Whalen v. Roe, 429 U.S. 589, 599 (1977); Nixon v. Administrator of General Services, 433 U.S. 425 (1977); Stanley v. Georgia, 394 U.S. 557 (1969); California Bankers Ass'n v. Schultz, 416 U.S. 21, 78-80 (1974). In the words of Florida Supreme Court Justice J. Alderman, "[t]hese protected interests can be said to comprise the federal constitutional right of privacy."<sup>7</sup>

A-2

The exact dimensions of the federal right of privacy are hard to pinpoint and deficiencies have often been alleged. Justice J. Alderman, in discussing the federal right to privacy, stated that "this right of privacy cannot be characterized as a general right because its application has been strictly limited."<sup>8</sup> On the other hand, other scholars have interpreted the penumbral effect of privacy decisions in a much broader way. An article from Am. Jur. states "Of the courts that have aligned themselves one way or the other on the question, an overwhelming majority has affirmed the existence of the right of privacy as such. In other words, the great preponderance of authority supports the view that independently of the common rights of property, contract, reputation, and physical integrity, there is a legal right called the right of privacy, the invasion of which is a tort."<sup>9</sup>

#### State Constitutional Right of Privacy

Historically, the parameters of privacy protection provided under state constitutions were based upon and virtually identical to those afforded by the Federal Constitution (i.e., decisional autonomy in areas of family, marriage, contraception, abortion, and protection from unreasonable searches and seizures and surveillance). State level responsibility for development of a right to privacy was and is a slowly evolving concept. The United States Supreme Court has on numerous occasions delegated this responsibility. In Katz v. U.S., supra, the Court held that "The protection of a person's general right to privacy--his right to be left alone--is left to the law of the individual states."<sup>10</sup> Again in Prudential Ins. Co. v. Cheek "The Federal Constitution does not confer any right of privacy that is beyond the power of the states to restrict."<sup>11</sup> In accepting this responsibility, many states have adopted express language in their constitutions to address specific areas of privacy. In 1972 three states adopted freestanding general rights of privacy to their constitutions.<sup>12</sup> These three states (Alaska, Montana and California) are distinguished as having expanded prospective constitutional privacy protection beyond its federally defined boundaries.

The freestanding general rights to privacy adopted by Alaska, Montana and California, along with recent privacy legislation in many states, appear to be an attempt to remedy ever-increasing concern over governmental intrusion into a person's private affairs. One of the principle arguments used in support of the 1978 Florida Constitution Revision's right to privacy proposal<sup>13</sup> was that "the increased complexity and intensity of

modern civilization have rendered man more sensitive to the technological improvements in the means of communication and have more and more subjected the intimacies of his private life by those who pander to commercialism and to prurient and idle curiosity. A legally enforceable right of privacy is deemed to be a proper protection against this type of encroachment upon the personality of the individual.<sup>14</sup> Of the states with freestanding constitutional rights to privacy, the effect appears to have been more preventative than destructive in terms of developing case law. That is to say that few state court decisions interpreting this right have ventured beyond the federally protected right.

The "right to privacy" as provided in the California, Alaska and Montana constitutions are difficult to compare. Inherent differences exist in terminology and apparently intent. In all three cases it appears that protection under the amendment will be decided on a case-by-case basis. Alaska appears to be the most "progressive" state in regard to court decisions on the right of privacy. Several cases<sup>15</sup> have greatly broadened the "umbrella" of privacy protection under the Alaska Constitution. On the other hand, the California Supreme Court has interpreted their constitutional right as "a more focused privacy concern"<sup>16</sup> dismissing, as inapplicable, Alaska's broader interpretation. Each state has gone in its own direction in determining exactly what falls within the penumbral rights afforded privacy protection.

The history of court decisions, where state constitutions place increased importance on the right to privacy, shows us one thing--"It is clear that this right is never absolute."<sup>17</sup> As with other fundamental rights, "there will always be areas where countervailing state interests may override an individual's privacy right."<sup>18</sup>

#### CONCLUSION

In summary, the constitutional right of privacy has been topic of debate since the late 1900's. Over the last century, especially the last two decades, this right has gradually expanded. On a federal level, it has generally been defined in terms of decisional autonomy regarding fundamental matters of informational autonomy,<sup>20</sup> and freedom from governmental surveillance.<sup>21</sup> The United States Supreme Court has been careful in defining an overall right to privacy, leaving that responsibility to the individual states.<sup>22</sup>

Page Four

Many states have enacted privacy legislation and have adopted language to address specific areas of privacy. Several states have gone a step further to incorporate a freestanding rights of privacy into their constitution.<sup>24</sup> Court decisions resulting from these freestanding rights to privacy are varied although most, to date, are in keeping with privacy protection provided under the Federal Constitution.

## FOOTNOTES

1. Melvin v. Reid, 112 Cal. App. 285, 297 P. 91; Cason v. Baskin, 155 Fla. 198, 20 So.2d 243, 168 ALR 430, later app. 159 Fla. 31, 30 So. 2d 635; Pavesich v. New England Mut. L. Ins. Co. 122 Ga. 190, 50 SE 68. Annotation: 138 ALR 22, 30, § 168 ALR 446, 449, 14 ALR2d 750, 755, § 2. From 62 Am. Jur. 2d, "Privacy" § 4.
2. Mapp v. Ohio, 367 US 643, 6 L. Ed. 2d 1081, 81 S. Ct. 1684; Frank v. Maryland, 359 US 360, 3 L. Ed. 2d 877, 79 S. Ct. 804, reh. den. 360 US 914, 3 L. Ed. 2d 1263, 79 S. Ct. 1292; McDonald v. United States, 335 US 451, 93 L. Ed. 153, 69 S. Ct. 191. Annotation: 14 ALR2d 750, 755, § 2. From 62 Am. Jur. 2d, "Privacy" § 4.
3. Pavesich v. New England Mut. L. Ins. Co. 122 Ga. 190, 50 SE 68; Voelker v. Tyndall, 226 Ind. 43, 75 NE2d 548. Annotation: 138 ALR 22, 32 s. 168 ALR 446, 449, 14 ALR2d 750, 755, § 2. From 62 Am. Jur. 2d, "Privacy" § 4.
4. "The right to be let alone" was coined by Thomas Cooley in his Treatise on the Law of Torts in 1880. The phrase was also used in Warren and Brandeis' 1890 law review article and in a number of court decisions since. For this reason it was selected for the Constitution Revision Commission's proposal in lieu of a more contemporary or grammatically correct phrase. From Gerald B. Cope, "To be Let Alone," 6 Fla. St. L. Rev. 731, 732 (Summer 1978).
5. Boyd v. United States, 116 U.S. 616, 630 (1886).
6. "Griswold Constellation." This phrase is taken from Gerald B. Cope's article, "To be Let Alone," 6 Fla. St. L. Rev. 780 (Summer 1978).
7. Shevin v. Harless, Schaeffer, Reid and Associations, Inc., Case Nos. 54,405 and 54,406, Filed January 17, 1980, page 5.
8. Id.
9. Santiesteban v. Goodyear Tire & Rubber Co. (CA5 Fla.) 306 F.2d 9 (applying Florida law); Pavesich v. New England Mut. L. Ins. Co., 122 Ga. 190, 50 SE 68; Biederman's of Springfield, Inc. v. Wright (Mo.) 322 SW2d 892; Hull v. Curtis Publishing Co. 182 Pa. Super 86, 125 A.2d 644. Annotation: 138 ALR 22, 25, s. 168 ALR 446, 448, 14 ALR2d 150, 755, § 2. 62 Am. Jur. 2d, "Privacy," § 3.
10. Katz v. United States, 389 U.S. 347, 350-51 (1967).

11. Prudential Ins. Co. v. Cheek, 259 U.S. 530, 66 L. Ed. 1044, 42 S. Ct. 516, 27 ALR 27. From 62 Am.Jur. 2d, "Privacy," § 4.
12. Alas. Const. art. I, § 22. Section 22. Right of Privacy.--The right of the people to privacy is recognized and shall not be infringed. The legislature shall implement this section. Adopted by amendment, 1972. Cal. Const. art. I, § 1: Section 1. Inalienable Rights.--All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy. Adopted by amendment, 1972. Mont. Const. art. II, § 10: Section 10. Right of privacy.--The right of individual privacy is essential to the well-being of a free society and shall not be infringed without the showing of a compelling state interest. Constitution adopted, 1972. From Gerald B. Cope, "To Be Let Alone," 6 Fla. St. L. Rev. Appendix VIII.
13. This statement is made based upon my interpretation of notes from the Ethics, Privacy and Election Committee meetings.
14. Oscar C. Sattinger, J. D. Am. Jur. 2d, "Privacy," § 5.
15. For example, in Ravin v. State, 537 P. 2d 494 (Alas. 1975), the Alaskan Sp. Ct. declared a statute outlawing the possession and use of marijuana unconstitutional because it impermissibly conflicted with the constitutional right of privacy.
16. White v. Davis, 13 Cal. 3d. 757; 533 P. 2d 222; 120 Cal. Rptr. 94 (1975). From "Privacy: To Be Or Not To Be," 10 Pacific Law Journal 779 (1979).
17. Roe v. Wade, 410 U.S. at 154 from "Privacy: To Be Or Not To Be," 10 Pacific L. J. 780 (1979).
18. Id.
19. Griswold v. Connecticut, 381 U.S. 479 (1965); Roe v. Wade, 410 U.S. 113 (1973); Doe v. Bolton, 410 U.S. 179 (1973); Loving v. Virginia, 338 U.S. 1 (1967); Paul v. Davis, 424 U.S. 693 (1976).
20. Whalen v. Roe, 429 U.S. 589, 51 L. Ed. 2d 64, 73, fr. 24 (1977); Stanley v. Georgia, 394 U.S. 21, 78-80 (1974).
21. Katz v. United States, 389 U.S. 347 (1967).

22. According to the United States Supreme Court, "the protection of a person's general right to privacy--his right to be let alone by other people--is, like the protection of his property and his very life, left largely up to the law of the individual states." Katz v. U.S., 389 U.S. 347, 350-351 (1967).

23. (Alaska, Montana and California) Cope, "To Be Let Alone," Fla. St. L. Rev. Appendix VIII.

A-8

## PRIVACY

The purpose of this paper is to provide an informal overview of the right to privacy as a constitutional guarantee. It will attempt to identify the parameters of "the right to be let alone"<sup>1</sup> as it has been defined in the Federal Court System. This paper will also briefly highlight recent significant state-level developments on the right to privacy.

The right to privacy is (at the very least) an expansive topic. Theoretically, it has been predicated upon the constitutional guarantees of life, liberty and the pursuit of happiness,<sup>2</sup> the Fourth Amendment,<sup>3</sup> and natural law.<sup>4</sup> The following study does not attempt to deal with the multiple roots nor the innumerable implications of the right to privacy. It should provide, instead, a general background of the constitutional boundaries of privacy.

### Federal Constitutional Right of Privacy

The constitutional "right to be let alone" has long been an area of concern in both federal and state courts. Evolution of the modern concept of privacy began in 1886, when the United States Supreme Court noted for the first time that the Constitution, through the Fourth- and Fifth Amendments, protects "the privacies of life."<sup>5</sup> From this foundation the constitutional right to privacy has slowly expanded through a multitude of federal and state court decisions.

The most celebrated federal cases relating to the constitutional right of privacy are encompassed in what is often referred to as the "Griswold Constellation."<sup>6</sup> Decisions in the following cases circumscribe the scope of constitutional privacy in the following areas: (1) decisional autonomy: Roe v. Wade, 410 U.S. 113 (1973); Doe v. Bolton, 410 U.S. 179 (1973); Loving v. Virginia, 388 U.S. 1 (1967); Griswold v. Connecticut, 381 U.S. 479 (1965); Pierce v. Society of Sisters, 268 U.S. 510 (1925); Meyer v. Nebraska, 262 U.S. 390 (1923); Allgeyer v. Louisiana, 165 U.S. 578 (1897); Paul v. Davis, 424 U.S. 693 (1976). (2) Governmental Surveillance: Katz v. United States, 389 U.S. 347 (1967). (3) Governmental Collection of Information: Whalen v. Roe, 429 U.S. 589, 599 (1977); Nixon v. Administrator of General Services, 433 U.S. 425 (1977); Stanley v. Georgia, 394 U.S. 557 (1969); California Bankers Ass'n v. Schultz, 416 U.S. 21, 78-80 (1974). In the words of Florida Supreme Court Justice J. Alderman, "[t]hese protected interests can be said to comprise the federal constitutional right of privacy."<sup>7</sup>

The exact dimensions of the federal right of privacy are hard to pinpoint and deficiencies have often been alleged. Justice J. Alderman, in discussing the federal right to privacy, stated that "this right of privacy cannot be characterized as a general right because its application has been strictly limited."<sup>8</sup> On the other hand, other scholars have interpreted the penumbral effect of privacy decisions in a much broader way. An article from Am. Jur. states "Of the courts that have aligned themselves one way or the other on the question, an overwhelming majority has affirmed the existence of the right of privacy as such. In other words, the great preponderance of authority supports the view that independently of the common rights of property, contract, reputation, and physical integrity, there is a legal right called the right of privacy, the invasion of which is a tort."<sup>9</sup>

#### State Constitutional Right of Privacy

Historically, the parameters of privacy protection provided under state constitutions were based upon and virtually identical to those afforded by the Federal Constitution (i.e., decisional autonomy in areas of family, marriage, contraception, abortion, and protection from unreasonable searches and seizures and surveillance). State level responsibility for development of a right to privacy was and is a slowly evolving concept. The United States Supreme Court has on numerous occasions delegated this responsibility. In Katz v. U.S., supra, the Court held that "The protection of a person's general right to privacy--his right to be left alone--is left to the law of the individual states."<sup>10</sup> Again in Prudential Ins. Co. v. Cheek "The Federal Constitution does not confer any right of privacy that is beyond the power of the states to restrict."<sup>11</sup> In accepting this responsibility, many states have adopted express language in their constitutions to address specific areas of privacy. In 1972 three states adopted freestanding general rights of privacy to their constitutions.<sup>12</sup> These three states (Alaska, Montana and California) are distinguished as having expanded prospective constitutional privacy protection beyond its federally defined boundaries.

The freestanding general rights to privacy adopted by Alaska, Montana and California, along with recent privacy legislation in many states, appear to be an attempt to remedy ever-increasing concern over governmental intrusion into a person's private affairs. One of the principle arguments used in support of the 1978 Florida Constitution Revision's right to privacy proposal<sup>13</sup> was that "the increased complexity and intensity of

modern civilization have rendered man more sensitive to the technological improvements in the means of communication and have more and more subjected the intimacies of his private life by those who pander to commercialism and to prurient and idle curiosity. A legally enforceable right of privacy is deemed to be a proper protection against this type of encroachment upon the personality of the individual."<sup>14</sup> Of the states with freestanding constitutional rights to privacy, the effect appears to have been more preventative than destructive in terms of developing case law. That is to say that few state court decisions interpreting this right have ventured beyond the federally protected right.

The "right to privacy" as provided in the California, Alaska and Montana constitutions are difficult to compare. Inherent differences exist in terminology and apparently intent. In all three cases it appears that protection under the amendment will be decided on a case-by-case basis. Alaska appears to be the most "progressive" state in regard to court decisions on the right of privacy. Several cases<sup>15</sup> have greatly broadened the "umbrella" of privacy protection under the Alaska Constitution. On the other hand, the California Supreme Court has interpreted their constitutional right as "a more focused privacy concern"<sup>16</sup> dismissing, as inapplicable, Alaska's broader interpretation. Each state has gone in its own direction in determining exactly what falls within the penumbral rights afforded privacy protection.

The history of court decisions, where state constitutions place increased importance on the right to privacy, shows us one thing--"It is clear that this right is never absolute."<sup>17</sup> As with other fundamental rights, "there will always be areas where countervailing state interests may override an individual's privacy right."<sup>18</sup>

#### CONCLUSION

In summary, the constitutional right of privacy has been a topic of debate since the late 1900's. Over the last century, especially the last two decades, this right has gradually expanded. On a federal level, it has generally been defined in terms of decisional autonomy regarding fundamental matters,<sup>19</sup> informational autonomy,<sup>20</sup> and freedom from governmental surveillance.<sup>21</sup> The United States Supreme Court has been careful in defining an overall right to privacy, leaving that responsibility to the individual states.<sup>22</sup>

Page Four

Many states have enacted privacy legislation and have adopted language to address specific areas of privacy. Several states have gone a step further to incorporate a freestanding rights of privacy into their constitution.<sup>24</sup> Court decisions resulting from these freestanding rights to privacy are varied although most, to date, are in keeping with privacy protection provided under the Federal Constitution.

## FOOTNOTES

1. Melvin v. Reid, 112 Cal. App. 285, 297 P. 91; Cason v. Baskin, 155 Fla. 198, 20 So.2d 243, 168 ALR 430, later app. 159 Fla. 31, 30 So. 2d 635; Pavesich v. New England Mut. L. Ins. Co. 122 Ga. 190, 50 SE 68. Annotation: 138 ALR 22, 30, § 168 ALR 446, 449, 14 ALR2d 750, 755, § 2. From 62 Am. Jur. 2d, "Privacy" § 4.

2. Mapp v. Ohio, 367 US 643, 6 L. Ed. 2d 1081, 81 S. Ct. 1684; Frank v. Maryland, 359 US 360, 3 L. Ed. 2d 877, 79 S. Ct. 804, reh. den. 360 US 914, 3 L. Ed. 2d 1263, 79 S. Ct. 1292; McDonald v. United States, 335 US 451, 93 L. Ed. 153, 69 S. Ct. 191. Annotation: 14 ALR2d 750, 755, § 2. From 62 Am. Jur. 2d, "Privacy" § 4.

3. Pavesich v. New England Mut. L. Ins. Co. 122 Ga. 190, 50 SE 68; Voelker v. Tyndall, 226 Ind. 43, 75 NE2d 548. Annotation: 138 ALR 22, 32 s. 168 ALR 446, 449, 14 ALR2d 750, 755, § 2. From 62 Am. Jur. 2d, "Privacy" § 4.

4. "The right to be let alone" was coined by Thomas Cooley in his Treatise on the Law of Torts in 1880. The phrase was also used in Warren and Brandeis' 1890 law review article and in a number of court decisions since. For this reason it was selected for the Constitution Revision Commission's proposal in lieu of a more contemporary or grammatically correct phrase. From Gerald B. Cope, "To be Let Alone," 6 Fla. St. L. Rev. 731, 732 (Summer 1978).

5. Boyd v. United States, 116 U.S. 616, 630 (1886).

6. "Griswold Constellation." This phrase is taken from Gerald B. Cope's article, "To be Let Alone," 6 Fla. St. L. Rev. 780 (Summer 1978).

7. Shevin v. Harless, Schaeffer, Reid and Associations, Inc., Case Nos. 54,405 and 54,406, Filed January 17, 1980, page 5.

8. Id.

9. Santiesteban v. Goodyear Tire & Rubber Co. (CA5 Fla.) 306 F.2d 9 (applying Florida law); Pavesich v. New England Mut. L. Ins. Co., 122 Ga. 190, 50 SE 68; Biederman's of Springfield, Inc. v. Wright (Mo.) 322 SW2d 892; Hull v. Curtis Publishing Co. 182 Pa. Super 86, 125 A.2d 644. Annotation: 138 ALR 22, 25, s. 168 ALR 446, 448, 14 ALR2d 150, 755, § 2. 62 Am. Jur. 2d, "Privacy," § 3.

10. Katz v. United States, 389 U.S. 347, 350-51 (1967).

11. Prudential Ins. Co. v. Cheek, 259 U.S. 530, 66 L. Ed. 1044, 42 S. Ct. 516, 27 ALR 27. From 62 Am.Jur. 2d, "Privacy," § 4.

12. Alas. Const. art. I, § 22. Section 22. Right of Privacy.--The right of the people to privacy is recognized and shall not be infringed. The legislature shall implement this section. Adopted by amendment, 1972. Cal. Const. art. I, § 1: Section 1. Inalienable Rights.--All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy. Adopted by amendment, 1972. Mont. Const. art. II, § 10: Section 10. Right of privacy.--The right of individual privacy is essential to the well-being of a free society and shall not be infringed without the showing of a compelling state interest. Constitution adopted, 1972. From Gerald B. Cope, "To Be Let Alone," 6 Fla. St. L. Rev. Appendix VIII.

13. This statement is made based upon my interpretation of notes from the Ethics, Privacy and Election Committee meetings.

14. Oscar C. Sattinger, J. D. Am. Jur. 2d, "Privacy," § 5.

15. For example, in Ravin v. State, 537 P. 2d 494 (Alas. 1975), the Alaskan Sup. Ct. declared a statute outlawing the possession and use of marijuana unconstitutional because it impermissibly conflicted with the constitutional right of privacy.

16. White v. Davis, 13 Cal. 3d. 757; 533 P. 2d 222; 120 Cal. Rptr. 94 (1975). From "Privacy: To Be Or Not To Be," 10 Pacific Law Journal 779 (1979).

17. Roe v. Wade, 410 U.S. at 154 from "Privacy: To Be Or Not To Be," 10 Pacific L. J. 780 (1979).

18. Id.

19. Griswold v. Connecticut, 381 U.S. 479 (1965); Roe v. Wade, 410 U.S. 113 (1973); Doe v. Bolton, 410 U.S. 179 (1973); Loving v. Virginia, 388 U.S. 1 (1967); Paul v. Davis, 424 U.S. 693 (1976).

20. Whalen v. Roe, 429 U.S. 589, 51 L. Ed. 2d 64, 73, fr. 24 (1977); Stanley v. Georgia, 394 U.S. 21, 78-80 (1974).

21. Katz v. United States, 389 U.S. 347 (1967).

22. According to the United States Supreme Court, "the protection of a person's general right to privacy--his right to be let alone by other people--is, like the protection of his property and his very life, left largely up to the law of the individual states." Katz v. U.S., 389 U.S. 347, 350-351 (1967).

23. (Alaska, Montana and California) Cope, "To Be Let Alone," Fla. St. L. Rev. Appendix VIII.

## **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Appendix to Petitioners' Reply Brief has been furnished by electronic mail to all counsel of record by filing the document with service through the e-Service system, Fla. R. Jud. Admin. 2.516(b)(1), this 28th day of April, 2023.

/s/ Whitney Leigh White