



Bryan White <zebrafactcheck@gmail.com>

Fact-Checking, PolitiFact, Florida's proposed abortion rights amendment

1 message

Bryan White <zebrafactcheck@gmail.com>

Fri, May 3, 2024 at 3:32 PM

To: lvirelli@law.stetson.edu

Dear Professor Virelli,

I've been evaluating fact checks of Gov. DeSantis claim that Florida's proposed abortion rights law would permit abortion up through the moment before birth. Fact checks, [including one by PolitiFact](#), say the claim is false or misleading, but tend to provide muddled accounts as to why that's the case.

PolitiFact cites you:

"It is not true that the amendment protects the right to an abortion up until the moment of birth. It only does so when a woman's health is in danger," said Louis Virelli, a Stetson University College of Law professor.

That's all the fact check provides from you, and neither it nor any other expert cited in the article offers an explanation to make such claims fit the text of the proposed amendment.

That amendment appears to place the determination of what constitutes protecting the health of the mother solely and exclusively with the health care provider (abortionist). It appears that any reason for protecting the health of the patient may suit the text of the amendment. Further, [the text appears to forestall any legislative attempt to restrict](#) that privilege given to the health care provider:

Except as provided in Article X, Section 22, [no law shall](#) prohibit, penalize, delay, or restrict abortion before viability or when necessary to protect the patient's health, [as determined by the patient's healthcare provider](#).

For publication, could you please explain why those apparent implications of the amendment text would not hold?

If the amendment passes with that text, isn't it true that only another constitutional amendment (assuming no overriding federal law) could modify the privilege afforded the healthcare provider?

Thanks.

Please be aware that Zebra Fact Check policy is to publish my email outreach along with any response not marked with "off the record" or the like.

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Sincerely,

Bryan W. White
editor
zebrafactcheck.com