



Written by [Elad Hakim](#) on January 24, 2023

Florida Supreme Court Agrees to Hear Important Abortion Case

The Florida Supreme Court has agreed to hear a legal challenge to Florida's 15-week abortion ban. Florida Governor Ron DeSantis signed HB 5, the Reducing Fetal and Infant Mortality Act, into law in April 2022. The Florida Supreme Court will now decide its fate.

The [law](#) prohibits an abortion after an unborn child has reached 15 weeks of gestation. It allows for certain [exceptions](#), such as to save the pregnant woman's life, to prevent a serious risk of substantial and irreversible physical impairment of a major bodily function, or if the fetus has an abnormality and has not reached viability.



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As reported by [Fox News](#), Leon County Circuit Court Judge John Cooper previously ruled that the law was unconstitutional because the Florida Constitution has an explicit and broad "right to privacy" and that such a ban was not supported by a sufficient state interest. As a result, Cooper granted an injunction prohibiting enforcement of the 15-week ban. However, the law was stayed when the state appealed this ruling. Subsequently, the 1st District Court of Appeals [refused](#) to lift the stay and rejected the temporary injunction issued by Cooper.

As a result, [Planned Parenthood](#) and several abortion providers asked the Supreme Court to hear arguments in the case and to stay the Appeals Court's decision. They argued that the Florida Constitution protects the right to have an abortion and asked the Florida Supreme Court to grant an additional injunction barring enforcement of the law while the Court considered the case. The Court [agreed](#) to hear the case but refused to issue another injunction or lift the stay.

The Florida Supreme Court has previously held that the Florida Constitution's privacy clause protects the right to an abortion. However, as reported by the [Tampa Bay Times](#), Florida Attorney General Ashley Moody has asked the Court to interpret Florida's privacy clause differently. In a filing with the Court, lawyers in her office wrote, "Florida's Privacy Clause creates a right 'to be let alone and free from governmental intrusion into the person's private life. That language is naturally read to limit governmental snooping and information-gathering — but not to establish a liberty to destroy unborn (or any other) life.'"

The case is sure to garner strong support from those on both sides of the issue. The Florida Supreme Court has become much more conservative in recent years. While the Court previously upheld the right to an abortion under the Florida Constitution's privacy clause, it is unclear how the more conservative court will rule in this case.

The Court's decision could also have far-reaching implications, especially in light of the U.S. Supreme Court's decision in [Dobbs](#), where the nation's highest court ruled that there is no federal right to an



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abortion and that the issue of abortion should ultimately be decided by each individual state.



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