



STATE OF FLORIDA

**ASHLEY MOODY
ATTORNEY GENERAL**

October 16, 2024

Jessica Rosenworcel
Federal Communications Commission
45 L Street N.E.
Washington, D.C. 20554

Dear Chairwoman Rosenworcel:

I write in response to your recent press statement, “Chairwoman Rosenworcel on First Amendment Threats to Florida Broadcast Stations,” in which you suggest that the First Amendment prevents Florida from addressing false speech that jeopardizes the health and safety of women.¹ Your press statement is wrong, both morally and legally, and I was disappointed to see you use the Federal Communications Commission (FCC) to support an obvious misstatement of fact.

As you know, in the wake of *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 215 (2022), many States have enacted additional protections for life. At the same time, those on the other side of the abortion debate have used the political process to push for less abortion regulation. While I have my own firmly held views on these issues, my goal as Attorney General of Florida has always been to make sure voters “know clearly and concisely what they are voting for or against.”²

Unfortunately, certain pro-abortion activists have been willing to lie to women in hopes of gaining their support, even when doing so endangers these women by discouraging them from seeking available, lifesaving treatment. For example, after Florida’s heartbeat bill went into effect, these activists created a false narrative that women should not go to the hospital when facing an ectopic pregnancy—a life threatening condition—because no treatment would be available. That is, of course, false. Nonetheless, the Florida Agency for Health Care Administration was forced to issue an emergency rule to combat this dangerous gamesmanship and ensure that women know that emergency medical care is available to them under Florida law.³

¹ <https://docs.fcc.gov/public/attachments/DOC-406321A1.pdf>.

² <https://flvoicenews.com/ashley-moody-pro-abortion-amendment-ballot-summary-would-mislead-voters/>.

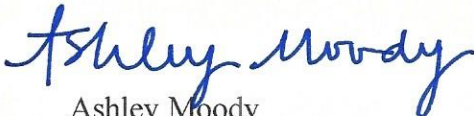
³ <https://www.flrules.org/gateway/RuleNo.asp?id=59AER24-2>.

More recently, an advertisement supporting Amendment 4—a radical initiative designed to mislead voters—suggested that a woman with stage-four cancer could not obtain an abortion even if she would “lose [her] life” without one. That advertisement is plainly false, § 390.0111(1), (4), Fla. Stat. (discussing exceptions to save the mother’s life and to prevent permanent injuries), and the Florida Department of Health appropriately demanded that broadcast stations cease airing false information that jeopardizes the health of women by discouraging them from seeking medical care.⁴

Given the patently false nature of this advertisement, I was surprised to see a statement issued by you suggesting that the Florida Department of Health’s letter is “dangerous” and noting that “[t]he right of broadcasters to speak freely is rooted in the First Amendment.”⁵ As you surely know, “[t]here is no constitutional value in false statements of fact,” *Keeton v. Hustler Magazine, Inc.*, 465 U.S. 770, 776 (1984) (quotations omitted), especially where those false statements jeopardize public health, *United States v. Alvarez*, 567 U.S. 709, 719 (2012) (discussing “legally cognizable harm associated with a false statement”). Your legal error aside, I am shocked that you would use the power of the FCC to promote such an obvious misstatement of fact, which undermines the mission and credibility of your agency.

When Floridians vote on Amendment 4 this November, they have the right to know the truth. Even more important, when women face life threatening conditions, they have the right to know that lifesaving treatment is available to them. I hope that, under your leadership, the FCC can get back to doing its job and not recklessly intrude on our State’s role in protecting women’s health.

Sincerely,

A handwritten signature in blue ink that reads "Ashley Moody". The signature is written in a cursive, flowing style.

Ashley Moody
Florida Attorney General

⁴ <https://s3.documentcloud.org/documents/25194950/fl-doh-letter.pdf>.

⁵ <https://docs.fcc.gov/public/attachments/DOC-406321A1.pdf>.