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Contact Kylie Mason

Phone 850-245-0150



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Florida Attorney General's Office News Release

AG Moody Challenges Unlawful Vaccine Mandate Threatening to Exacerbate Health Care Worker Shortage Crisis

TALLAHASSEE, Fla.—Attorney General Ashley Moody is suing the Biden administration over the unlawful CMS vaccine mandate that threatens to exacerbate the health care worker shortage. The unlawful mandate comes as the nation is already experiencing what some are [calling the worst health care labor crisis in memory](#). More than [90% of long-term care facilities in Florida report staffing shortages](#) and President Biden's unlawful mandate will make the situation worse. A poll published in October found that [more than 70% of unvaccinated workers would quit](#) a job if vaccination became a prerequisite of employment. Many health care workers have natural immunity; however, the unlawful CMS rule makes no exception for those who previously contracted COVID-19.

Attorney General Ashley Moody said, "Seeing his job approval ratings plummet and losing control of the media narrative, President Biden, who once lauded these medical professionals as heroes sacrificing their safety to save Americans from COVID, now abandons them in a feeble attempt to score political points at the worst possible time—making another disastrous policy decision based on politics just as pandemic burnout is thinning our health care ranks and creating a dire staffing shortage.

"Fortunately, the law is on our side and Florida has an Attorney General who is not afraid to push back against unlawful federal overreach. I filed a challenge to end the CMS vaccine rule—to protect doctors, nurses and other medical professionals, as well as the stability of the entire health care industry, against this power-hungry administration's unlawful mandate that forces Floridians to choose between providing for their families and their health care autonomy."

Governor Ron DeSantis said, "I told Floridians that we would protect their jobs and today we made that the law. Nobody should lose their job due to heavy-handed COVID mandates and we had a responsibility to protect the livelihoods of the people of Florida. I'm thankful to Attorney General Ashley Moody for fighting against unconstitutional mandates and for joining me in standing up for freedom."

Attorney General Moody filed the Complaint for Temporary Restraining Order in the U.S. District Court for the Northern District of Florida in Pensacola. The complaint names U.S. Department of Health and Human Services Secretary Xavier Becerra, HHS, U.S. Centers for Medicare and Medicaid Administrator Chiquita Brooks-Lasure and CMS. The complaint demands that the court immediately enjoin and set aside the CMS vaccine rule.

According to the complaint filed Wednesday afternoon, Florida stands to lose millions of dollars in Medicaid and Medicare payouts as a result of the rule. Health care facilities stand to lose

patients as many medical professionals are expected to resign instead of being forced to receive the vaccine. Floridians stand to lose expedient, expert care as the mass resignation would come amid one of, if not the, worst health care staffing shortages in the nation's history.

The complaint outlines the unlawful nature of the rule, as CMS lacks the authority to impose the mandate; did not consult with states before implementing the vaccine requirement; and failed to allow comment on the rule ahead of implementation. Finally, the action is arbitrary and capricious for multiple reasons, including the fact that CMS ignored the staffing shortages the rule will exacerbate.

According to the rule published Nov. 5, health care workers at facilities receiving Medicare or Medicaid funding in Florida have until Dec. 6 to receive at least one dose of a COVID-19 vaccine. The deadline to become "fully vaccinated" is Jan. 4, 2022. To view the complaint, click [here](#).

Earlier this month, Attorney General Moody took legal action against the unlawful vaccine mandate for workers at companies with 100 or more employees. The U.S. Court of Appeals for the Fifth Circuit took up a similar case and quickly issued a stay on the unlawful requirement. For more information, click [here](#).

In October, Attorney General Moody filed a lawsuit against the Biden administration to stop the unlawful requirement that federal government contractors ensure that all employees receive a COVID-19 vaccine. For more information, click [here](#).

In September, [Attorney General Moody warned President Biden to drop attempts to force unlawful vaccine mandates](#) on Floridians. As the president failed to heed the warning, the previously mentioned actions became necessary.