Mar 29, 2022

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Florida Attorney General's Office News Release

AG Moody Leads Multistate Action to End CDC's Unlawful Mask Mandate on Public Transportation

TALLAHASSEE, Fla.—Attorney General Ashley Moody is leading 20 other states in an action against President Joe Biden's unlawful mask mandate on public transportation. Attorney General Moody argues that the mandate exceeds the authority of President Biden's Centers for Disease Control and Prevention. The Biden administration continues to use a failed interpretation of a quarantine statute—that has been ruled against in court several times—to authorize the CDC's rule.

The continuation of the unlawful mask mandate harms the states. It also interferes with state law in places like Florida, which has imposed laws banning forced masking. The mandate also runs against reason, as now even the states with the most stringent COVID-19 policies are beginning to lift indoor mask mandates.

Attorney General Ashley Moody said, "President Biden's shortsighted, heavy-handed and unlawful travel policies are frustrating travelers and causing chaos on public transportation. It's long past time to alleviate some of the pressure on travelers and those working in the travel industry by immediately ending Biden's unlawful public transportation mandates. I'm proud to stand with Governor DeSantis and to lead my fellow Attorneys General in this multistate action to end the forced masking of travelers in the United States."

Governor Ron DeSantis said, "Florida has led the nation in standing up to misguided federal government policies and fighting back against heavy-handed mandates that have no scientific backing. If politicians and celebrities can attend the Super Bowl unmasked, every U.S. citizen should have the right to fly unmasked. It is well past time to get rid of this unnecessary mandate and get back to normal life."

In a complaint for declaratory and injunctive relief, Attorney General Moody and the joining states argue that the CDC's unlawful mask mandate exceeds the agency's authority in several ways. First, the statute used to justify the mandate does not authorize economy-wide measures. Second, the statute only authorizes rules directly related to preventing the interstate spread of disease—it does not permit mask requirements for individuals who show no sign of infection.

Additionally, the complaint highlights that the CDC rule is arbitrary and capricious, requiring notice and comment that was not given before being implemented and did not consider actions that states had already taken to control the spread of COVID-19. The mandate also requires state-run conveyances and transportation hubs to affirmatively enforce the rule, in violation of the anti-commandeering doctrine.

The complaint seeks the eradication of the unlawful mask mandate and a permanent injunction against enforcement.

Attorney General Moody is joined in the complaint by the attorneys general from the following states: Alabama, Alaska, Arizona, Arkansas, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, South Carolina, Utah, Virginia and West Virginia.

Attorney General Moody filed the action in the United States District Court for the Middle District of Florida.

To read the full complaint, click here.

Recently, Attorney General Moody led 22 other state attorneys general in demanding the end of the Head Start program's mask mandate that forced the masking of children as young as two years old, even while playing outside. Attorney General Moody previously brought a lawsuit to end this mandate and won, and President Biden continues to ignore the law by keeping the mask component of the mandate in place.

To learn more, click here.