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Florida Attorney General's Office News Release

Court Petition Over Planned Parenthood Funds



TALLAHASSEE, Fla.—Following the U.S. Supreme Court decision in *Dobbs vs. Jackson Women's Health Organization*, Attorney General Ashley Moody is moving to vacate an injunction against a Florida law prohibiting state funds from going to Planned Parenthood. In 2016, state lawmakers passed HB 1411, which defunded abortion clinics such as Planned Parenthood. While the state already did not pay for abortions as a general matter, HB 1411 cut off other funding. The U.S. District Court in Tallahassee enjoined the law in *Planned Parenthood of Southwest and Central Florida vs. Joseph Ladapo,* using *Roe v. Wade* as a deciding factor in the decision. Since the *Dobbs* decision overturned *Roe,* the injunction is no longer supported.

Attorney General Ashley Moody said, "In 2016, a district court prevented the Florida Legislature from defunding abortion clinics, based on the U.S. Supreme Court's ruling in *Roe*. Now that the case at the center of the court's reasoning has been overturned, we are petitioning the court to vacate the court's injunction and allow the will of our state's legislative body and the people who elected them to take effect."

Attorney General Moody argues that the legal basis for the court's injunction of HB 1411, or § 390.0111(15), Fla. Stat., with the ruling for Case No. 4:16-cv-321-RH-CAS, no longer exists. Previously, the court reasoned that *Roe v. Wade* made the law unconstitutional because it indirectly prohibited abortions, which under that ruling was a constitutional right. However, *in Dobbs v. Jackson Women's Health Organization*, the U.S. Supreme Court overruled *Roe v. Wade*. The *Dobbs* ruling last year makes clear there is no constitutional right to abortion and that *Roe* was "egregiously wrong from the start."

According to the motion to vacate: "Under Federal Rule of Civil Procedure 60(b)(5), a court may relieve a party from a final judgment or order where 'applying it prospectively is no longer

equitable.'…As the Supreme Court has repeatedly recognized, 'it is appropriate to grant a Rule 60(b)(5) motion when the party seeking relief from an injunction can show ‘a significant change either in factual conditions or in law.’…In fact, '[a] court errs when it refuses to modify an injunction or consent decree in light of such changes.'"

To read the motion to vacate, click here.