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Florida Attorney General's Office News Release

AG Moody Continues Fight Against President Biden's Unlawful Federal Contractor Vaccine Mandate



TALLAHASSEE, Fla.—Attorney General Ashley Moody is continuing to fight President Joe Biden's unlawful vaccine mandate for federal contractors. Attorney General Moody is leading a coalition of 21 state attorneys general in filing an amicus brief in support of the commonwealth of Kentucky's multistate suit against Biden's federal contractor vaccine mandate. The suit seeks an immediate end to the Biden administration's unlawful policy that requires federal-government contractors to ensure all employees receive a COVID-19 vaccine. The challenged vaccination requirements intrude on Florida's laws expressly restricting employer-vaccine mandates. There are many Florida companies that will be negatively impacted by the unlawful requirements.

Attorney General Moody filed a similar action in October 2021 and won a preliminary injunction against the unlawful mandate. The federal government is currently appealing Kentucky's case. Attorney General Moody is leading the charge by filing a multistate amicus brief in support of Kentucky and helping block vaccine mandates for Floridians who work for federal contractors.

Attorney General Ashley Moody said, "It is beyond time for President Biden to end his draconian mandates that obstruct personal medical autonomy and threaten jobs. We have challenged the federal government's unlawful vaccine mandate for contractors in court and won—yet the president continues his attempts to control the personal health decisions of millions of Americans. Today, I'm continuing the legal battle to protect Floridians and their livelihoods by leading a multistate coalition action against Biden's vaccine mandate for federal contractors."

Attorney General Moody filed the amicus brief in support of Kentucky's suit against the federal government in the U.S. Court of Appeals for the Sixth Circuit. The amicus brief argues that the

challenged vaccination requirements improperly intrude on states' traditional powers, especially in states, like Florida, with laws expressly restricting employer-vaccine mandates. Many of the amici states have pending cases challenging the vaccination requirements.

The filed amicus brief highlights the fact that President Biden's executive order mandating vaccines for federal contractors represents an unauthorized exercise of regulatory power. The president's authority in this case is limited to "prescribing policies and directives,"—he may not issue procurement regulations. In the executive order, President Biden unlawfully delegated authority to the director of the Office of Management and Budget and a White House Task Force, away from the entity created by Congress to establish such procurement regulations.

In addition, the brief argues that the president failed to show that the mandate promotes economy and efficiency. The brief states: "Neither the Executive Order nor any subsequent agency actions 'identify any instance in which absenteeism attributable to COVID-19 among contractor employees resulted in delayed procurement or increased costs'…Moreover, a vague interest in preventing 'absenteeism' in federal contractors in and of itself is not sufficiently related to the government's general procurement policies to justify such a 'sweeping, invasive, and unprecedented public health requirement imposed unilaterally by President Biden.'"

Finally, the brief argues: "…the challenged actions seek to regulate public health, not improve the efficiency of contracting, rendering the actions blatantly pretextual."

To read the full brief, click here.

Attorney General Moody previously filed a suit against President Biden's federal contractor vaccine mandate last October. The complaint outlined the harm to the state, particularly to universities, Space Florida and the Florida Department of Education—public entities executing important work for the federal government financed through federal contracts. The district judge handed down an injunction on Florida's case on Dec. 22, 2021.

To learn more about the original filing, click here.

In addition to Attorney General Moody, the attorneys general from the following states signed on to the amicus brief: Alabama, Alaska, Arizona, Arkansas, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, Oklahoma, South Carolina, South Dakota, Texas, Utah and West Virginia.

Earlier this year, Attorney General Moody led 17 other states in filing a brief in the state of Georgia's suit against the president's federal contractor vaccine mandate.

To learn more, click here.