Feb 16, 2022

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Florida Attorney General's Office News Release

AG Moody Leads Multistate Fight Against President Biden's Unlawful Vaccine Mandate for Federal Contractors



TALLAHASSEE, Fla.—Continuing to fight for Floridians, Attorney General Ashley Moody is leading 17 other states in filing an amicus brief in support of the state of Georgia's multistate suit against President Joe Biden's federal contractor vaccine mandate. The suit seeks an immediate end to the unlawful requirement that federal government contractors ensure that all employees receive a COVID-19 vaccine. Not only are there many Florida companies that will be negatively impacted by the unlawful requirements, but the challenged vaccination requirements intrude on Florida's laws expressly restricting employer-vaccine mandates.

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 the state of Georgia's case. Attorney General Moody is leading the charge on filing a multistate amicus brief in support of Georgia and to help block vaccine mandates for Floridians who work for federal contractors.

Attorney General Ashley Moody said, "While COVID-19 infections are rapidly decreasing, President Biden is showing no signs of relenting in his pursuit of power over the personal medical decisions of Americans. As Florida's Attorney General, I am fighting to protect Floridians from Biden's unlawful federal overreach and I am proud to lead a multistate effort in support of Georgia's case to stop the unlawful vaccine mandate for federal contractors."

Attorney General Moody filed the amicus brief in support of the state of Georgia's suit against

the federal government in the U.S. Court of Appeals for the 11th Circuit. The amicus brief argues that the challenged vaccination requirements improperly intrude on states' traditional powers, especially in states, like Florida, that have laws expressly restricting employer-vaccine mandates. Many of the amici states have pending cases challenging the vaccination requirements.

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

Due to Florida and other plaintiff states facing millions of dollars in lost contracts, a preliminary injunction is necessary to prevent irreparable injury.

To read the full brief, click here.

Attorney General Moody previously filed a suit against President Biden's federal contractor vaccine mandate in October 2021. The complaint outlined the harm to the state, particularly 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: Alaska, Arizona, Arkansas, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Hampshire, Ohio, Oklahoma, South Dakota, Tennessee and Texas.