Sep 16, 2021

Contact Kylie Mason

Phone 850-245-0150

OFFICE OF THE ATTORNEY GENERAL STATE OF FLORIDA

Florida Attorney General's Office News Release

AG Moody Demands President Biden Drop Vaccine Mandate or Risk Legal Action

TALLAHASSEE, Fla.—Attorney General Ashley Moody and 23 other attorneys general today warned President Joe Biden of potential litigation surrounding the proposed COVID-19 vaccination mandate. States are prepared to file suit following the implementation of the planned mandate on private sector employees to either get a COVID-19 shot, submit to weekly testing or be fired. The coalition of attorneys general outlined legal and policy concerns with the mandate, which will be carried out through an Occupational Safety and Health Act emergency temporary standard.

Attorney General Ashley Moody said, “President Biden is once again acting well beyond his authority. The federal government cannot impose sweeping vaccine mandates, and this oppressive power grab is unprecedented and unlawful. The Constitution entrusts the States to guard and protect the safety and health of our citizens. I will always fight to protect the interests of our great state, and if the president does not drop this mandate, we will take legal action to uphold the rule of law.”

History has shown that the judicial branch is highly skeptical of the use of OSHA emergency temporary standards because of concerns about federalism and the separation of powers. Further, the attorneys general raise concerns about the expansion of a federal regulatory agency and public perception of the order’s constitutionality.

The coalition of attorneys general goes beyond legal arguments to address practical policy considerations of such a sweeping order. Most concerning is the potential to drive individuals out of the workforce, particularly health care workers, who are most needed right now to fight the pandemic. Additionally, this mandate ignores the tens of millions of Americans with natural immunity and will drive further skepticism of vaccines.

Last, and perhaps most importantly, the attorneys general note there are alternatives to a broad, nationwide order. The letter states, “The risks of COVID-19 spread also vary widely depending on the nature of the business in question, many of which can have their employees, for example, work remotely. The one-size-fits-almost-all approach you have decreed makes clear that you intend to use the OSHA statute as a pretext to impose an unprecedented, controversial public health measure on a nationwide basis that only incidentally concerns the workplace.”

Florida signed the letter today along with the attorneys general of Alabama, Alaska, Arizona, Arkansas, Georgia, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, West Virginia and Wyoming.

To read the letter, click here.