

FL May Sue Biden Over Vaccine Mandates: Attorney General

© Attorney General's Office Attorney General Ashley Moody and her fellow attorneys general said they are ready to file suit following Biden's executive order issued Sept. 9 forcing all businesses with more than 100 employees to require their employees to be...

FLORIDA — In the seemingly ceaseless battle over vaccine mandates, Florida Attorney General Ashley Moody, a Republican, and 23 other GOP attorneys general

have lobbed the latest salvo, demanding that President Joe Biden drop his vaccine mandate for businesses or risk legal action.

Moody and her fellow attorneys general said they are ready to file suit following Biden's [executive order](#) issued Sept. 9 forcing all businesses with more than 100 employees to require their employees to be vaccinated against the coronavirus or submit to weekly testing.

The order also applies to all federal government agencies and hospitals and nursing homes that receive federal money such as Medicaid and Medicare.

"President Biden is once again acting well beyond his authority," Moody said. "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. If the president does not drop this mandate, we will take legal action to uphold the rule of law."

The president's mandate will be carried out through an Occupational Safety and Health Act emergency temporary standard.

The attorneys general questioned the constitutionality of the president's order, which expands OSHA's regulatory powers without due process or considerations of how such a sweeping order will be enforced.

In its [letter](#) to the president, the attorneys general called Biden's order "disastrous and counterproductive."

"From a policy perspective, this edict is unlikely to win hearts and minds — it will simply drive further skepticism," said the attorneys general.

"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," said the attorneys general. "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."

In addition to Moody, the letter was signed by the Republican 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.

During a news conference last week, Florida Gov. Ron DeSantis and Moody announced their support of a lawsuit filed by 200 employees against the city of Gainesville, which has mandated that all employees be vaccinated.

The cities of Gainesville and Tampa, as well as Orange and Leon counties, have told all employees they must be vaccinated by Sept. 30.

DeSantis said these mandates by Florida government agencies along with Biden's order are in direct conflict with [Florida Senate Bill 2006](#), which he signed into law May 3, which prevents private businesses and government agencies from requiring vaccinations.

Under that state law, government agencies and businesses are subject to a \$5,000 fine for each violation. "That's millions and millions of dollars potentially in fines," DeSantis

said.

But that's a drop in the bucket compared to the penalty for violating Biden's executive order.

Video: Florida CEO hopeful after vaccine mandate (Associated Press)

Florida CEO hopeful after vaccine mandate

Businesses that do not comply with Biden's directive could face fines of up to \$14,000 per violation, according to Biden's executive order.

Beyond whose orders carry the biggest penalty, Moody said the more important consideration is public safety.

"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," Moody said.

DeSantis said Biden's order would result in thousands of first responders and frontline workers who have been risking their lives throughout the pandemic losing their jobs.

"We're going to have thousands and thousands of people who could be losing their jobs simply because of a very intrusive and, I believe, illegal policy," he said. "Suffice it to say, nobody should lose their jobs over this issue. The last thing you should want to do is plunge people into destitution who have been faithfully working all this time."

"It is directly conflicting Florida law, and it's putting lives on the line," Moody said. "It is unconscionable that we would trust these folks to decide to throw themselves in front of a bullet for the safety of others, but we won't let them make a decision about their own health."

Another Battle Looms

In the meantime, DeSantis is also butting heads with Biden over the use of monoclonal antibody treatments.

Since August, DeSantis has been opening monoclonal antibody therapy centers throughout the state to provide life-saving treatments for residents who have been diagnosed with COVID-19 or who have been exposed to someone with COVID-19 and are at high risk of severe illness and hospitalization.

Monoclonal antibodies treatments, authorized by the U.S. Food and Drug Administration under an Emergency Use Authorization, help boost the immune system so at-risk patients can fight off the COVID-19 virus.

In clinical trials, this treatment resulted in a 70 percent reduction in hospitalizations and deaths for vulnerable people exposed to the virus.

On Thursday at a news conference in Broward County, DeSantis said Florida has opened 25 state-run monoclonal antibody treatment sites and said he believes the sites are responsible for a 50 percent decrease in hospital admissions.

At the same time DeSantis was touting the success of his program, the U.S. Department of Health and Human Services announced that it is taking over distribution of monoclonal antibody doses because states like Florida are using more than their fair share as their COVID cases soar.

HHS noted that that seven states — Florida, Alabama, Texas, Mississippi, Tennessee, Georgia and Louisiana — are using 70 percent of the federal government's supply of the antibody doses.

According to a [news release issued Sept. 14 by Regeneron Pharmaceuticals](#), which manufactures the monoclonal

antibody drug, the federal government has purchased an additional 1.4 million bringing the total to nearly three million doses.

States and hospitals could simply order the drug from Regeneron Pharmaceuticals and distribute it to patients.

Now that the HHS has control of the supply, DeSantis said the state is receiving fewer doses of the drug.

"To just spring this on us, starting next week we're going to have to do that, there's going to be a huge disruption, and patients are going to suffer as a result of this," DeSantis said.

White House Press Secretary Jen Psaki said, like the distribution of COVID-19 vaccines, the new distribution method for the monoclonal antibody treatments is intended to ensure a more equitable allotment of the drug to all states.

"Just seven states are making up 70 percent of the orders. Our supply is not unlimited, and we believe it should be equitable across states across the country," Psaki said during a news conference last week.

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Vaccinate Employees

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