

**THE FLORIDA ALLIANCE FOR  
RETIRED AMERICANS, INC.**

**LEGISLATIVE REPORT**



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## **RICK SCOTT PAYS LESS THAN \$400 ANNUALLY FOR STATE HEALTH INSURANCE**

Gov. Rick Scott, a critic of the federal health care overhaul, is paying less than \$400 a year for health insurance for himself and his wife.

While Scott is accepting no salary for his job as governor, the multimillionaire and former hospital chain executive chose to enroll in the taxpayer-subsidized health insurance plan offered by the state of Florida.

Scott is among nearly 32,000 people in state government who pay relatively low health insurance premiums. It's a perk that is available to high-ranking state officials, including those in top management at all state agencies.

Nearly all 160 state legislators are also enrolled in the program that costs just \$8.34 a month for individual coverage and \$30.00 a month for a family coverage.

Brian Burgess, as spokesman for Scott, confirmed the governor and his wife are enrolled in the state health insurance plan, but refused to discuss why Scott signed up. He called the governor's health care coverage "private matters."

The health insurance coverage provided to Scott used to be free for top state officials until 2010. Rank-and-file state workers pay \$50 a month for individual coverage and \$180 a month for family coverage. Married couples working in state government also pay the same amount as Scott and legislators.

Florida has one of the highest uninsured rates in the nation according to data released last year by the U.S. Census. Scott and other Republicans have been very critical of the health care overhaul signed by President Barack Obama that is intended to increase the number of Americans with access to health insurance.

Before he ran for governor, Scott ran a group called Conservatives for Patients' Rights that ran television ads criticizing the health care overhaul.

Florida is one of more than 20 states suing to have the health care overhaul declared unconstitutional. In the last few months Republicans in Florida have rejected millions in federal aid that is tied to the health care overhaul.

Sen Nan Rich, D-Weston, says that Scott is "entitled" to enroll in the state health insurance plan. But she said he shouldn't be fighting to keep other Floridians from getting access to health insurance coverage.

"I wish every Floridian had the same opportunity", Rich said.

Rich is one of 40 state senators who are enrolled in the state health insurance plan. A spokeswoman for the Florida House confirmed that 112 out of 120 House members are also covered by the state. Many state legislators have acknowledged that they enrolled in the state plan because it is cheaper than obtaining coverage elsewhere.

The state is projected to spend \$2 billion during its current budget year to provide health insurance coverage. Most of the money spent on the state workers health insurance coverage comes from taxpayers and not employees premiums.

The governor earlier this year asked lawmakers to approve an overhaul of the state's health insurance program that would force all employees to pay the same premium amount and to cap the amount of health insurance coverage provided to state workers. But the plan was not adopted by the Republican-controlled Legislature.

## **Tea Party Had No Honor in Negotiations**

The tea party deserves an **A** for its negotiating skills and a **F** for loyalty to our country.

It's members in the U.S. House of Representatives have been brilliant at pushing through a deal that meets their ideological requirements.

They have managed to get a reluctant agreement to \$2.5 trillion in cuts over 10 years, with a likelihood that most will come from America's poor and middle-class citizens.

They have succeeded in their effort to distract the nation from the economic truth that drastic federal cuts in an already depressed economy and create a certainty of higher unemployment and greater need for government assistance.

How have they succeeded in managing this remarkable feat? By holding hostage our nation's reputation for honoring it's obligations.

The tea party's negotiating success is a direct result of it being more willing than it's opponents to harm the United States. Reasonable politicians from both parties have backed down not because they were impressed by tea party logic, but because they were unwilling to permanently damage the nation they gave oath to serve.

There is no honor in winning a negotiation by taking hostage a nation that others hold dear.

## **Amendment Ballot Language**

The Florida Legislature can't resist the temptation to stack the deck on amendments it proposes to the state constitution. So once again it falls to the judiciary to protect the public from acting on misleading ballot language.

In the past, the Florida Supreme Court has struck amendments with misleading language from the ballot. It should do so again in response to a challenge to Amendment 7, scheduled to be on the November 2012 general election ballot.

The amendment is intended to do something momentous to weaken, if not obliterate, the separation of church and state that has enabled the people of this pluralistic nation to live together in relative peace and harmony for so many years.

Can we even imagine the consequences if government started to play favorites, for political or religious reasons, among the various sects and religious groups that populate this land? Have we not noticed the sectarian warfare that stains so many nations? Would we want to take a chance on upsetting the delicate balance between civil and religious institutions?

Perhaps we would. Sentiment has been increasing in recent years for breaking down what Thomas Jefferson called a "wall of separation" between church and state. With the ascent of the political right to power in Florida and elsewhere, many religious leaders have abandoned their reluctance to accept government money or other aid for their ministries and the politicians are much less adamant about limiting the use of public money to nonsectarian purposes.

### **RELIGIOUS-SCHOOL VOUCHERS**

The immediate motivation for this amendment is to clear the way for a vast expansion of vouchers that would divert public money from the public schools to private institutions, most of which are affiliated with religious organizations. Gov. Rick Scott already has endorsed such an expansion, even though the Florida Supreme Court has said voucher plans violate a constitutional mandate for high-quality public education and an appellate court has specifically said the constitution prohibits taxpayer dollars from being sent to parochial schools.

This amendment tries to repeal that prohibition, which has been in the constitution since 1885 and was readopted — and strengthened — in the 1968 revision that was fully debated by the Legislature. It says: "No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution."

Proponents of repealing that venerable prohibition argue that its original intent was to punish the Catholic Church. That may well have been a factor in the late 1800s, but as noted above, the Legislature considered the subject in 1968 without any hint of anti-Catholic bias. Also, the prohibition clearly applies to all religious institutions, not just Catholics.

But a new Legislature has considered the prohibition and has proposed its repeal by a vote of at least three-fifths of the membership of each house. It has every right to do so. But it doesn't have the right to mislead or confuse the voters about what it is asking them to approve. It does that in this amendment.

## DECEPTIVE LANGUAGE

The ballot language has the benign-sounding heading of "Religious Freedom." That language is taken from the existing constitution, but the subject really is something else — weakening the separation of church and state. The ballot language doesn't say that directly. Nor does it say it would authorize spending public tax money on school vouchers, which is highly controversial. Those are the principal grounds on which a coalition of teacher unions, school administration and school board plaintiffs filed suit last week.

The lawsuit, even if successful, wouldn't necessarily kill the idea of repealing the prohibition. The Legislature could come back and easily fix any language problems in January.

The Legislature was so unhappy with previous Supreme Court rulings on constitutional language that it attempted to stack the court in its 2011 session. The attempt failed, but the lawmakers were clearly trying to send a message to the justices that they can expect further attacks. It will take real courage for the justices to rule with the plaintiffs in this case.

Still, that's a major reason why the justices are where they are — serving as a check on legislative excess.

## **Congress and the Deficit Reduction Plan**

The House and Senate are now in recess until the day after Labor Day. Before leaving town, each chamber passed the debt ceiling/deficit reduction plan negotiated by President Obama and Congressional leadership over the weekend. The plan raises the debt ceiling until early 2013, so there will not be another debt ceiling vote until after the 2012 election.

The deficit reduction part of the plan is in two stages. The first stage requires nearly \$1 trillion in budget cuts over ten years, all from discretionary spending. It is back-loaded, so that the level of cuts in the first two years, FYs 2012 and 2013, are relatively low and it rises quickly in FY 2014. Again, this means the significant damage occurs after the 2012 election.

The total spending cuts for FYs 2013 and 2014 are \$10 billion (\$7 billion and \$3 billion, respectively). This is less than the spending cuts included in the House-passed Ryan budget earlier this year. For these first two years, the cuts are required to be equally divided between security and non-security discretionary programs. (Security includes defense, homeland security, state and foreign operations, veterans' benefits, and military construction). The remaining phase one spending cuts -- over \$900 billion dollars -- will be made in the following eight fiscal years by placing annual caps on discretionary spending. The requirement that security and non-security programs share equally in the cuts does not apply in the out years.

The first phase is all spending cuts; there are no revenue raisers.

Phase two of the deficit reduction plan involves the creation of a special joint committee of Congress, being called the "Supercommittee." Within 14 days of the President signing this bill, the 12 members of the committee -- three from each party in each chamber -- will be appointed by their respective party leader. The task of the Supercommittee is to report legislation to reduce the federal budget by another \$1.5 trillion over ten years. Everything is on the table for consideration by the committee: mandatory programs such as Social Security, Medicare and Medicaid; discretionary programs; and revenue raisers.

The Supercommittee must report its legislation out by November 23, 2011. The legislation must be voted on by Congress no later than December 23.

No amendments are allowed, it is a straight up or down vote in both chambers. Sixty votes are necessary in the Senate.

If the Supercommittee does not report out a bill with at least \$1.2 trillion in deficit reduction by November 23, 2011 or if Congress does not enact it by December 23, a process known as "sequestration" is automatically set in motion. (Sequestration was part of the Gramm-Rudman-Hollings deficit reduction legislation in the 1980's, early 90's.). Under the sequestration process, there would be automatic across-the-board cuts to all federal programs each year, totaling \$1.2 trillion by FY 2021. Certain safety net programs would be exempt from sequester: for example, Social Security, Medicaid, and SNAP/food stamps. Medicare spending would be cut no more than two percent and the cuts would be to providers.

If the sequestration process is invoked, the \$1.2 trillion in spending cuts are required to be made equally between defense and non-defense programs. (Defense means Department of Defense and does not include security programs. Spending on the wars, however, would not be included.) The sequestration process does not include any revenue raisers.

Because the sequestration process calls for extraordinary cuts to defense programs and includes no revenue raisers, it is designed as an incentive, to force the Supercommittee to come up with alternatives and to make members of both parties vote for the Supercommittee's plan. The thinking is that Republicans (and some Democrats) will not accept the draconian cuts to defense spending and that Democrats will demand revenue raisers. The White House points to the fact that the threat of this same sequestration process in Gramm-Rudman-Hollings forced Congress to come up with a budget deficit plan in 1990.

It bears noting that the term "revenue raisers" includes tax increases, but it is much broader than just tax rate increases. It is any provision that results in increased revenues to the federal government. In addressing tax reform, the Supercommittee will look at changing popular "tax expenditures" as a way to raise revenues. Tax expenditures are revenues the government foregoes through tax provisions that exclude some forms of compensation as income or allow deductions from income. Currently, the most utilized tax expenditures include the exclusion from income of the value of employer-sponsored health care and the home mortgage interest deduction. In other words, not all revenue raisers are aimed at the wealthy and corporations; revenue raisers could shift the tax burden to the middle class.

Finally, it is important to remember that what Congress legislates, Congress may repeal or amend. Thus, although this is a ten-year deficit reduction plan, the new Congress in 2013 or a future Congress will have the authority to change the plan. Whether a further Congress does so, and what kind of changes it makes, will depend on how members of Congress interpret the wishes of Americans, as expressed at the ballot box.

# Drug Prices Fall as Patents Expire

The cost of prescription medicines used by millions of people every day is about to plummet.

## Facts

### GENERIC BRANDS TO BE RELEASED

These are blockbuster drugs, with more than \$1 billion in annual global sales, set to go off patent and get generic competition in the U.S. in the next two years:

PATENT ENDS - BRAND NAME - GENERIC NAME - USE/CONDITIONS TREATED - MADE/SOLD BY

Oct. 2011 Zyprexa olanzapine schizophrenia/bipolar Eli Lilly

Nov. 2011 Lipitor atorvastatin high cholesterol Pfizer? ? ? ?

March 2012 Lexapro escitalopram depression Forest Labs

March 2012 Seroquel quetiapine schizophrenia/bipolar AstraZeneca

March 2012 Avapro/Avalide irbesartan high blood pressure Bristol-Myers/Sanofi?

April 2012 Provigil modafinil narcolepsy Cephalon

May 2012 Plavix clopidogrel clot prevention Bristol-Myers/Sanofi

July 2012 Tricor fenofibrate high triglycerides Abbott

Aug. 2012 Singulair montelukast asthma/allergies Merck

Aug. 2012 Actos pioglitazone diabetes Takeda

Sept. 2012 Diovan valsartan high blood pressure Novartis

Sept. 2012 Geodon ziprasidone bipolar disorder Pfizer

Nov. 2012 Lidoderm lidocaine pain patch Endo?

Dec. 2012 Atacand candesartan heart failure AstraZeneca?

March 2013 Lovaza omega-3-acid high triglycerides GlaxoSmithKline? ? ?

Aug. 2013 Temodar temozolomide brain tumors Merck?

Note: Patent expiration/generic arrival dates can change due to litigation or regulatory issues.

Sources: Medco Health Solutions Inc., company websites.

The next 14 months will bring generic versions of seven of the world's 20 best-selling drugs, including the top two: cholesterol fighter Lipitor and blood thinner Plavix.

The magnitude of this wave of expiring drugs patents is unprecedented. Between now and 2016, blockbusters with about \$255 billion in global annual sales are set to go off patent, notes EvaluatePharma Ltd., a London research firm. Generic competition will decimate sales of the brand-name drugs and slash the cost to patients and companies that provide health benefits.

Top drugs getting generic competition by September 2012 are taken by millions every day: Lipitor alone is taken by about 4.3 million Americans and Plavix by 1.4 million. Generic versions of big-selling drugs for blood pressure, asthma, diabetes, depression, high triglycerides, HIV and bipolar disorder also are coming by then.

The flood of generics will continue for the next decade or so, as about 120 brand-name prescription drugs lose market exclusivity, according to prescription benefit manager Medco Health Solutions Inc.

It is estimated that at least 15 percent of the population is currently using one of the drugs whose patents will expire in 2011 or 2012, those patients, along with businesses and taxpayers who help pay for prescription drugs through corporate and government prescription plans, collectively will save a small fortune. That's because generic drugs typically cost 20 percent to 80 percent less than the brand names.

Doctors hope the lower prices will significantly reduce the number of people jeopardizing their health because they can't afford medicines they need.

The new generics will slice co-payments of those with insurance. For the uninsured, who have been paying full price, the savings will be much bigger. Generic medicines are chemically equivalent to the original brand-name drugs and work just as well for nearly all patients.

When a drug loses patent protection, often only one generic version is on sale for the first six months, so the price falls a little bit initially. Then, several other generic makers typically jump in, driving prices down dramatically.

Last year, the average generic prescription cost \$72, versus \$198 for the average brand-name drug, those figures average all prescriptions, from short-term to 90-day ones. Average co-payments were \$6 for generics,

compared with \$24 for brand-name drugs given preferred status by an insurer and \$35 for non-preferred brands.

Among the drugs that recently went off patent, Protonix, for severe heartburn, now costs just \$16 a month for the generic, versus about \$170 for the brand name. And of the top sellers that soon will have competition, Lipitor retails for about \$150 a month, Plavix costs almost \$200 a month and blood pressure drug Diovan costs about \$125 a month. For those with drug coverage, their out-of-pocket costs for each of those drugs could drop below \$10 a month. Generic Lipitor should hit pharmacies Nov. 30 and cost them around \$10 each a month.

For people with no prescription coverage, the coming savings on some drugs could be much bigger. Many discount retailers and grocery chains sell the most popular generics for \$5 a month or less to draw in shoppers.

The impact of the coming wave of generics will be widespread and swift. Insurers use systems that make sure patients are switched to a generic the first day it's available. Many health plans require newly diagnosed patients to start out on generic medicines. And unless the doctor writes "brand only" on a prescription, if there's a generic available, that's almost always what the pharmacist dispenses.

"A popular drug that goes off patent will lose 90 percent of its revenue in 12 to 24 months. The looming revenue drop is changing the economics of the industry. In the 1990s, big pharmaceutical companies were wildly successful at creating pills that millions of people take every day for common conditions, from heart disease and diabetes to osteoporosis and chronic pain. Double-digit quarterly profit increases became the norm.

But the patents on those popular drugs, which were filed years before the drugs went on sale, last for 20 years at most, and many expire soon.

In recent years, many drug companies have struggled to develop new drugs, despite multibillion-dollar research budgets and more partnerships with scientists at universities and biotech companies. The profit dollars that companies used to reinvest in innovation are no longer going to be coming, and that raises long-term concerns about the industry's ability to bring new medicines to market. But pharmaceutical companies can save billions when they stop promoting drugs that have new generic rivals, and U.S.

drug and biotech companies are still spending more than \$65 billion a year on R&D.

The 20 new drug approvals in the U.S. this year, and other important ones expected in the next few years, eventually will help fill the revenue hole. According to the Generic Pharmaceutical Association, generics saved the U.S. health care system more than \$824 billion from 2000 through 2009, and now save about \$1 billion every three days.

The savings are only going to get greater as our overweight population ages. People who take their medicines regularly often avoid costly complications and hospitalizations, bringing the system even bigger savings than the cheaper drugs.

## **Gov. Rick Scott wants his name off election law**

Gov. Rick Scott, already sued more times than your average crooked contractor — is named in a suit contesting a new law that brings controversial changes in how we vote. So now he wants his name off a lawsuit filed over Florida's new elections law, can you blame him?

How controversial? His office got thousands of e-mails while the bill awaited his signature, most urging him to reject something so fundamentally wrong.

The bill's supporters kept saying, honest, it's all about stopping our terrible problem of voter fraud. Except we don't have a terrible problem of voter fraud. And their specifics were beyond scarce.

What the new law will do is make it harder for some citizens minorities in particular to vote. How many years would that set Florida back? Getting rid of this bad bill with his veto might have been a crowd-pleaser for Scott, a guy whose approval rating has been really bad. But sign it he did, and was promptly sued by some who see this for what it is.

The new law cuts early voting from two weeks to eight days, up to the same amount of voting hours overall, but fewer days for people busy with their jobs and their lives to get to the polls. Also, people who moved from the county where they were registered will now be required to cast provisional ballots.

And it makes it harder for third-party groups to register voters. Volunteers in registration efforts must register with the state and face fines if they don't turn in voting forms within 48 hours. Imagine — fines of up to \$1,000 for the good-faith effort of trying to connect people to the government that's supposed to represent them. That will put a damper on your enthusiasm for doing something patriotic.

Already, the League of Women Voters has suspended its registration efforts here. Mission accomplished, if your mission involves a clumsily disguised effort to give Republicans the edge in the 2012 election.

So the governor was sued (again), this time alongside Secretary of State Kurt Browning. Tucked in a motion to dismiss the lawsuit is Scott's

contention that he shouldn't be named in it, that he has sovereign immunity because he is the governor.

And, yes, there's good reasons for governors to have immunity. Just as a practical matter, they would be in court all the time. But if you signed this into law believing it to be well-intentioned and completely defensible and certainly not the most un-American thing to come out of Tallahassee lately why not just let your name stand?

Scott has lately shown signs of actually caring what Floridians think of him. He has urged supporters to send a pre-written e-mail to newspapers enumerating his virtues. He rejected controversial plans to muck up an unspoiled state park. He's moved toward making it easier to get public records. If it's determined this law is indeed about voter suppression and not voter fraud, maybe the governor wants his name nowhere near it.

But some Floridians will remember bad law come election time anyway.

## **Gov. Scott Now Has New Transportation Plan**

Yes, the man who killed the high speed rail in Florida, Gov. Rick Scott, now is pushing ahead with a major transportation plan that calls for speeding up road projects and relying more on new tolls to help pay for them.

The plan, recently unveiled by the state's transportation chief at a road-builders conference, also calls for reviving work on controversial new road projects such as the Heartland Parkway in Florida, as well as a parkway stretching across the state from Manatee County. The Scott administration wants to consolidate the groups responsible for approving new roads and look at ways to eliminate "regulatory burdens" to accelerate construction.

Gov. Scott claims the proposal as a way to spur job creation. He says the transportation industry will be leading the charge in making sure we have the state-of-the-art infrastructure that is interconnected and efficient, it will make Florida tough to beat for the place where we all want to live, work and play.

State Sen. J.D. Alexander, R-Lake Wales, declined to comment on the plan Friday night. The proposed Heartland Parkway, which would be built from Polk County to Collier County, would go through a 62,000-acre ranch owned by a company headed by Alexander, potentially increasing the value of the land and creating development.

Part of the plan calls for speeding up work on nearly \$1 billion worth of road projects, including U.S. 27 in Polk County, Interstate 75 in Lee County and an expressway in Hillsborough County. The plan also calls for moving ahead with \$1.8 billion worth of Florida Turnpike projects, including breaking ground on the Wekiva Parkway in Central Florida by October 2012.

But a key new element of the plan dubbed the Florida Transportation Vision for the 21st Century also calls for relying more on tolls to help pay for new road project.

Department of Transportation Secretary Ananth Prasad told road builders in Marco Island that paying for roads from gas taxes is no longer "sustainable" and that Florida will instead rely on tolls to pay to widen interstate highways, build expressways and replace bridges. Gas taxes

have been an unsteady source of revenue in recent years because of either high gas prices or the recession.

The state will also look at working with private companies to help pay for — and then collect tolls — for lanes built along existing roads such as Interstate 4 in Orlando, Interstate 75 in Broward County and the Palmetto Expressway in Miami-Dade County.

While Florida already has a series of toll roads and recently begun adding toll lanes on some highway, this would mark a dramatic change in how the state pays for roads. It could also create a political firestorm from motorists and voters.

Sen. Don Gaetz, R-Niceville and the chairman of the Senate panel that oversees the state's road budget, said he is "open-minded" about tolling but he warned that he would not support any proposal to start charging tolls on existing highways.

"I would generally favor tolling if additional roads that were paid for by tolls solved real transportation problems," Gaetz said.

Another part of the transportation plan calls for reviving a controversial plan known as the "future corridors action plan" that has been widely criticized in the past by environmental groups who say it could spur growth in rural parts of the state.

DOT wants to move ahead and study new roads such as the North-South Heartland Parkway, which would stretch from Collier County to Polk County through the interior of the state. Another future corridor project is the East-West Heartland Parkway that would run from Manatee County to St. Lucie County. DOT also wants to look at building new roads to link Tampa to Jacksonville and Panama City to Alabama.

Scott earlier this year rejected federal funding for a high speed rail line between Tampa and Orlando. He reluctantly agreed to move ahead with a commuter rail project in Central Florida known as SunRail but Scott has spent most of his time touting other transportation improvements, including doing more for the state's seaports.

But the plan outlined by Prasad dealt primarily on roads — although he touched briefly on ports and aviation as well as suggesting the state may

want to partner with a private company to take over Tri-Rail service in South Florida.

Prasad also in his plan said that DOT wants to look at consolidating metropolitan planning organizations and removing "regulatory burdens" that discourage projects. Prasad did not elaborate on whether he is talking about some of the environmental permits and studies that DOT must undertake in order to build a new road.

He also said that DOT wants to privatize and outsource as much as possible in the coming years.

## Haridopolos & Obamacare

Florida Senate President Mike Haridopolos' first acts in the 2011 legislative session was to sponsor and lead through a proposed constitutional amendment targeting the federal health care law.

Sponsorship of the resolution is useful for Haridopolos a Republican from Merritt Island, when talk turns to what Republicans derisively call "Obamacare."

He touted that work recently on Twitter, tweeting on June 29: "Proud to support this amendment that will allow Floridians to opt out of Obama's govt. takeover of healthcare!" But we wonder: If 60 percent of Florida voters support Haridopolos' amendment when it appears on the ballot in November 2012 and the Health Care Freedom Act becomes part of Florida's Constitution, what effect will it have on implementation of the federal Patient Protection and Affordable Care Act in the state?

Would it really "allow Floridians to opt out" of it? To answer the question, information was received from the American Legislative Exchange Council, (ALEC) which publishes "A Legislators Guide to Repealing ObamaCare." ALEC also crafted the model legislation that is the foundation of Haridopolos' amendment.

At least 42 states have passed or are considering similar laws, according to ALEC. But the organization says that the state laws and constitutional amendments have no immediate impact on implementation of the federal Affordable Care Act. They only pave the way for a court battle, should the law ultimately be ruled constitutional by the U.S. Supreme Court.

"Does it allow Floridians to opt out if it's successful? Yes," said Christie Herrera, director of ALEC's health task force. "A lawsuit would have to be filed." The "opt out," in that case, would come as the result of a legal challenge by states that would argue their constitutions prohibit the implementation of the federal health care law. But it's a long shot any federal court would side with the states' argument.

Lawyers and legal scholars say the states challenge would be tossed aside because of Article VI of the U.S. Constitution, and a paragraph known as the supremacy clause. Specifically, the clause states that the U.S. Constitution, and federal treaties and laws are the "supreme Law of the

Land." It requires state judges to follow federal law in any conflict with state laws or constitutions.

In this situation, the federal law requires that people have health insurance, a provision commonly called the "individual mandate." Haridopolos' amendment to the Florida Constitution would prohibit laws that compel people to have health care coverage.

This is precisely what the supremacy clause was meant to deal with, when you have the federal government saying one thing and the state saying something else, It would be impossible to comply with both laws at once, and in such instances, the federal law almost always wins.

Presumably we have settled the question that the Constitution makes the federal government supreme over the states. If one state could decide on its own they want to withdraw from a federal law, there's nothing to stop other states from doing it, before you know it, you've destroyed the central premise on which our country is founded, which is a central federal government."

Now there is one way in which Haridopolos' amendment could protect Floridians from an individual mandate. If the U.S. Supreme Court ultimately rules in favor of the 26 states suing to stop implementation of the individual mandate, Florida's constitutional amendment would be moot as far as federal health care reform is concerned.

But the state constitutional amendment would prohibit future state Legislatures from enacting an individual mandate if they ever decide to put forward their own health care plan, as Massachusetts did. But Haridopolos didn't mention protecting Floridians from a state law. He referred specifically to Obama and the federal law.

All the state constitutional amendment guarantees is standing for a lawsuit against the federal government. Floridians could only "opt out" of the Affordable Care Act's individual mandate if the U.S. Supreme Court rules against the supremacy of the federal law. This all depends if there's at least a remote enough chance that the court would rule in favor of Florida in a lawsuit, so Haridopolos' statement doesn't warrant a ruling.