



Written by [Joe Wolverton, II, J.D.](#) on March 27, 2011

Florida's Governor Defiant: I Will Not Enforce ObamaCare

It's been one year since the President signed the Patient Protection and Affordable Care Act into law, and he's anxious to see states such as Florida that are reluctant to enforce its measures start towing the line and making noticeable strides toward compliance.

If these obdurate states continue their battle against ObamaCare, then not only will they lose out on millions of dollars of federal matching grants, but they also risk losing any amount of control over the implementation and regulation of the healthcare bureaucracy in their states.



According to the provisions of ObamaCare, states have until 2013 to demonstrate that they have the necessary infrastructure in place to manage the health care insurance exchanges mandated by the law.

These so-called exchanges are artificial marketplaces where consumers can compare prices of qualifying health insurance policies.

If states don't have such a system in place by the statutory deadline, then the law empowers various agencies of the federal government to take up the slack and manage the exchanges from Washington.

Rick Scott is the Governor of the Sunshine State and he is not budging. The Republican chief executive is supported by a majority of the Florida state legislature, and he isn't afraid of a showdown with the feds.

In fact, Gov. Scott is so adamant that ObamaCare will never be enforced in his state that he has refused \$1 million from the federal government to assist in the set up of the exchange and another million earmarked for the tracking of premiums around the state.

Moreover, as has been well-publicized, he and his colleagues have filed a complaint in federal court challenging the constitutionality of the entire law.

Said a defiant and determined Scott:

One year later, I remain convinced that Obamacare is bad for patients, businesses and taxpayers. This ill-conceived policy will force Florida to spend an additional \$12.8 billion on Medicaid and add an additional 2.1 million Floridians to Medicaid. Eliminating patient choice, rationing care and implementing the largest tax hikes in American history are just the beginning of the federal mandate's consequences. I commend Florida's Attorney General Pam Bondi and the other elected officials throughout the country who are standing up to Obamacare. This law has already been ruled unconstitutional in Florida. Now, we need an expedited appellate process to finish the case against Obamacare, and we need the federal government to immediately repeal the taxes enacted to pay for its implementation.

To date, at least 25 state attorneys general have filed suit on behalf of their states to block



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implementation of ObamaCare, demonstrating their proactive approach to rejecting the scheme and their unwillingness to wait for Congress to repeal the law.

The federal government isn't accustomed to not getting what it wants. Paul Dioguardi, Director of Intergovernmental Affairs at the U.S. Department of Health and Human Services, told reporters: "Of all the states, Florida is obviously one that has been the most reluctant to get out in front and engage in innovative ways to exercise their flexibility to implement the law."

Although not part of Mr. Dioguardi's press release, the Congress has never been reluctant to engage in innovative ways to exercise its flexibility in interpreting clauses of the Constitution in order to justify its usurpation of state sovereignty.

Dioguardi continued:

What Governor Scott is really leaving on the table is the ability to implement the law of the land in a way that makes sense for Florida. What we're left with is the federal fallback mechanism, which would be a missed opportunity for them to do it in a good Florida way.

That is to say, "a good Florida way" that is absolutely adherent to the rules and regulations promulgated by the federal government. If Florida and her sister states, like children, are not obedient, then they are not being good and therefore, the federal father must step in and do things for them.

According to a piece in the *Orlando Sentinel*, those who oppose the Governor's tack assume that his motivations are purely political.

"It's purely a result of his venom toward the fact that it was passed," said U.S. Rep. Debbie Wasserman Schultz, D-Weston. "I think he needs to stop acting childish, be a grown-up and do what he is supposed to do to make sure the state is ready to implement the law."

Apparently, grown ups always sit down, shut up, and do exactly what they're told — or else.

Not that he needs the reassurance, but to mark the one year anniversary of the passage of ObamaCare, several Republican Governors who oppose the measure issued statements criticizing the law.

For example, Governor Jan Brewer of Arizona, herself no stranger to scraps with the federal government, made the following comment about ObamaCare:

In the last 12 months, state leaders have learned the true costs of President Obama's health care "reform." Those costs have been meted out to states in the form of unfunded mandates and rigid federal regulations. At a time when states like Arizona are facing historic budget pressures, we need a federal partner willing to provide us the flexibility we need to operate our Medicaid programs in a fashion that best serves our citizens while being fiscally responsible.

Finally, Governor Gary Herbert of Utah put a very fine point on exactly why ObamaCare is so pernicious and why its implementation must be opposed so tenaciously by the still sovereign states:

One year ago, the federal government usurped state autonomy and ignored that several states — the incubators of solutions- had already initiated state-based health system reform. Now the federal government has decreed a "one-size-fits-all" solution and has left states to shoehorn the ACA's dictates into local agencies and budgets. It's completely unacceptable that the governors who are responsible for much of the implementation were never invited to the table during development. However, states will continue to exert their authority under the Constitution and will continue to innovate and find solutions to pressing issues like healthcare reform.



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Photo: Gov. Rick Scott



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