AMENDMENT 1
HEALTH CARE SERVICES
ARTICLE I, SECTION 28
http://collinscenter.org/2012/amendments/amendment-1-health-care-services/

Sponsor/Originator: The Florida Legislature

Summary of Amendment (from Division of Elections site):
http://election.dos.state.fl.us/initiatives/initdetail.asp?account=10&seqnum=77

Proposing an amendment to the State Constitution to prohibit laws or rules from compelling any person or employer to purchase, obtain, or otherwise provide for health care coverage; permit a person or an employer to purchase lawful health care services directly from a health care provider; permit a health care provider to accept direct payment from a person or an employer for lawful health care services; exempt persons, employers, and health care providers from penalties and taxes for paying directly or accepting direct payment for lawful health care services; and prohibit laws or rules from abolishing the private market for health care coverage of any lawful health care service. Specifies that the amendment does not affect which health care services a health care provider is required to perform or provide; affect which health care services are permitted by law; prohibit care provided pursuant to general law relating to workers’ compensation; affect laws or rules in effect as of March 1, 2010; affect the terms or conditions of any health care system to the extent that those terms and conditions do not have the effect of punishing a person or an employer for paying directly for lawful health care services or a health care provider for accepting direct payment from a person or an employer for lawful health care services; or affect any general law passed by two-thirds vote of the membership of each house of the Legislature, passed after the effective date of the amendment, provided such law states with specificity the public necessity justifying the exceptions from the provisions of the amendment. The amendment expressly provides that it may not be construed to prohibit negotiated provisions in insurance contracts, network agreements, or other provider agreements contractually limiting copayments, coinsurance, deductibles, or other patient charges.

What it would do:
This would add an amendment to the state constitution that attempts to prohibit the government from requiring individuals to purchase health insurance.

If You Vote Yes:
A “yes” vote means you want the Florida Constitution to include a provision that prohibits the government from requiring you to purchase health insurance.

If You Vote No:
A “no” vote means you do not want the Florida Constitution to include a provision that prohibits the government from requiring you to purchase health insurance.

Arguments for:
Supporters of this proposed amendment say the federal government cannot force people to purchase health insurance, and this amendment is an attempt to protect Floridians from that requirement in the federal health care act passed in 2010. They say voting for this measure would send a message that Congress overstepped its authority.

Arguments against:
Opponents say that despite its stated intention, this proposed amendment will not allow Floridians to opt out of the requirement that all Americans purchase health insurance. The U.S. Supreme Court ruled on June 28, 2012, that the federal requirement to purchase insurance is constitutional.