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**10 Reasons to Answer "Yes" to the Question:**
**Should my state continue toward health reform in light of the Florida ruling?**

1. The Florida decision was just issued on January 31. It's not entirely clear what the judge ordered. Let's wait and see what the Department of Justice does and what happens next.

2. The decision is being used to stir up confusion. Let's not add to that confusion by changing the status quo away from the careful path of review and implementation that is underway.

3. The judge did not rule against the state. His ruling only applies to the federal government. The state can and should continue what it is doing: carefully paving the way for health reform in 2014—activity that is and will be matched by significant federal matching funds.

4. Judge Vinson is only one judge and this is one decision. So far, at least six federal district courts have dismissed cases that sought to have the ACA declared unconstitutional. Two courts have found the ACA individual responsibility mandate to be constitutional, and two have found it unconstitutional.

5. Judge Vinson's opinion contains many errors. Here is a web site identifying over 40 errors: www.americanprogress.org/issues/2011/02/vinson.html.

6. Judge Vinson is at odds with the only other decision holding the ACA individual responsibility provision to be unconstitutional. Virginia Federal District Judge Hudson declared the provision to be unconstitutional but easily found it to be severable from the remainder of the ACA. As he noted, the provision is not to be implemented until 2014.

7. Judge Vinson began his own analysis with the following observation: "Severability is a doctrine of judicial restraint." Slip Op. at 64. The remainder of the opinion should be looked at with skepticism because he did not exercise restraint. Indeed, the opinion is contrary to several recently decided Supreme Court cases which counsel for judicial restraint.

8. The opinion is internally inconsistent. The Judge explicitly recognized that large parts of the Act involve "other, non-health-insurance-related provisions." Slip Op. at 64. He also recognized that "some (perhaps even most) of the remaining provisions can stand alone and function independently of the individual mandate." Slip Op. at 65. He specifically holds the Medicaid expansions contained in the ACA are not unconstitutional. Slip Op. at 6-13. Yet, his ruling declares the entire law, including the Medicaid expansion, void.

9. This decision is sure to be appealed, like the others in Virginia, Michigan, California, and other states. This is far from the last word on the legality of the Act.

10. The state has work to do to implement the ACA. Given the likelihood that this decision will be stayed, appealed, or overturned, the state should not hesitate. If the state stops moving forward based on one decision by one lower court—and that decision is overturned—the state will have fallen behind.

*For more information, please contact Jane Perkins, perkins@healthlaw.org.*