

A S S O C I A T E D I N D U S T R I E S O F F L O R I D A

# LEGISLATIVE DAILYBRIEF



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**FOR MARCH 5, 2002**

## **EQUAL PAY COMMISSION ACT**

The Senate Governmental Oversight and Productivity Committee passed SB 310 by Senator Mandy Dawson (D-Ft. Lauderdale), which establishes an ominous sounding “Equal Pay Commission,” today by a vote of 7 - 0. The bill creates a commission to study whatever underlying reasons there may be for wage disparities between men and women and minority women in Florida. The commission will be made up of nine appointees, the group comprised of individuals who typically have an interest or expertise in such matters.

The bill was previously amended last month by the Senate Committee on Commerce and Economic Development to effectively sunset the Commission on June 30, 2003. According to the bill, during this Commission’s brief life, it is to supply a report to the Governor, Senate President, the Speaker of the House and the Secretary of the Department of Labor and Employment Security. The report is supposed to summarize or document pay inequities in the private sector and to recommend policy solutions to these inequities. If the legislature finds the report or the conduct of the Commission compelling enough, the legislature can affirmatively restore the Commission to life by canceling the June 30, 2003 sunset.

**While AIF appreciates efforts to limit the life and mission of the Commission, AIF continues to take a dim view of any governmental body that purports to investigate or recommend intrusive solutions to so-called “compensation problems” in the market place.**

**In addition, the Senate members of the majority party that have passed this bill along, without one single “no” vote, almost certainly have no intention whatsoever of acting on any of the Commission’s recommendations when or if they are ever submitted. When the Democrats were in charge, they actually killed bills in the Committee process. When did it become a courtesy to pass bad bills in the Senate?**

## **PREScription INSURANCE AND CONTRACEPTIVES**

SB 920 by Senator Debbie Wasserman-Schultz (D-Pembroke Pines) was heard and approved in the Senate Health Aging and Long Term Care Committee today. Basically, the bill requires that any health insurer that provides prescription drug coverage must also provide coverage for oral contraceptives.

The bill would require insurance policies to be in compliance with a ruling by the U. S. Equal Employment Opportunity Commission (EEOC) which held that it was unlawful to exclude prescription contraceptive drugs and devices from health insurance plans because such exclusion violated Title VII and the Pregnancy Discrimination Act (PDA). The EEOC decision was issued in December of 2000 and found that excluding prescription contraceptive drugs and devices from employee health insurance plans constituted sex and pregnancy discrimination.

The bill feigns “compliance” with an EEOC decision; however, the decision applies only to the two women whose complaints the EEOC considered. The EEOC decision is not binding on the courts, but such courts may give the decision due deference. Under the guise of this EEOC decision, the bill plainly establishes a new, mandated coverage under prescription drug benefits, whether the employer wants it or not.

Currently, the State of Florida has 51 mandates or requirements placed on health insurers. These 51 mandates are a list of things that health carriers must insure or cover, by law. Seemingly lost on people such as Senator Debbie Wasserman-Schultz is the fact that only 40% of Florida’s population has private insurance at this time and the numbers are dropping as costs of the insurance continue to rise. Such a mandate as requiring oral contraceptive coverage is yet another increase in the cost to the carrier sand to Florida’s employers. We are disappointed the committee passed the bill and AIF will continue its opposition to this well-intentioned, but bad bill.

**Some of the 51 mandated health benefits actually represent smart policy decisions and, arguably, reduce long-term costs to the carriers and to the employers buying the coverage. But many are burdensome and drive up prices beyond the reach of employers who would like to purchase basic health-care coverage for their employees. Until a system is established for the objective cost-benefit evaluation of current and proposed mandates, therefore AIF is opposed.**

## **REQUIRED MEDICAL MALPRACTICE INSURANCE FOR FLORIDA'S DOCTORS**

SB 2104 by Senator Howard Futch (R-Indialantic) was temporarily passed today after Senator Anna Cowin (R-Leesburg) offered an amendment to the bill that virtually inverted the original intent of the legislation. The bill, heard in the Senate Health, Aging and Long Term Care Committee, was crafted to require that doctors actually carry medical malpractice insurance. More and more doctors are either “going bare” and carrying no insurance or coming up with artful or disingenuous schemes to shield their assets from medical malpractice claims. As a result, the actual pool of insureds is shrinking, driving up premiums for participating doctors and in addition, patients who are the victims of malpractice are finding that there is no adequate compensation for them if they suffer at the hands of an uninsured – and incompetent – doctor.

Senator Anna Cowin actually had the temerity to offer an amendment that disallowed hospitals from requiring doctors hold medical malpractice insurance in order to practice at that site. So, while Futch’s bill was requiring all doctors to carry the insurance, Senator Anna Cowin was awkwardly offering an amendment that purged a current requirement for medical malpractice insurance for doctors practicing at hospitals. What is that? Senator Howard Futch spoke to Senator Anna Cowin and she said that she, “did not know where the amendment came from,” and that she had been told, “Senator Futch is okay with it.” That, in a word, is ridiculous. Even if she had been told that little gem, how could she possibly believe that Senator Howard Futch would approve of an amendment that effectively gutted his bill? Worse yet, Senator Anna Cowin had “worked” the Committee with those interesting insights. Senator Futch had to defer consideration of the bill. Apart from the breech of legislative protocol where Senator Cowin offered a hostile amendment and proclaimed to Committee members that Senator Futch was “okay,” it is equally upsetting that Senator Anna Cowin is obviously at the beck and call of the Florida Medical Association, to put it politely.

**Requiring that all practicing, licensed physicians in Florida carry medical malpractice insurance will insure that risk is spread equitably throughout the medical system. In addition, such mandated insurance will ease the concerns of Florida's employers and employees that they do, in fact, have some legal protections and an ability to be made whole in the face of negligent or incompetent care subsidized by the largess and disinterest of Florida's current Board of Medicine.**

Stay tuned to our daily brief and to our web site at [www.fbnnet.com](http://www.fbnnet.com) as the legislature makes some very important decisions on the state’s economy. These decisions will have a major impact on the business community and AIF will be reporting to you everything that happens.

This report was prepared by Curt Leonard, Manager – Governmental Affairs at Associated Industries of Florida (AIF). Please send your comments or suggestions to us at [aif@aif.com](mailto:aif@aif.com) or call the Governmental Affairs department at (850)224-7173.

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