



April 6, 2009

ROBERT WEXLER
CONGRESS OF THE UNITED STATES

The Honorable Jeff Atwater
312 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

The Honorable Larry Cretul
420 The Capitol
402 South Monroe Street
Tallahassee, FL 32399-1300

Dear Senate President Atwater and Speaker Cretul:

I am writing regarding an issue of utmost importance out of concern that the recently enacted American Recovery and Reinvestment Act, which provides subsidies for COBRA coverage for Americans who became unemployed, may not reach recently laid-off Floridians who were previously working for small businesses (those with 20 or fewer employees).

As I am sure you are aware, the American Recovery and Reinvestment Act provides a 65 percent subsidy for a period of nine months for individuals who became unemployed on September 1, 2008 or later. The measure also provides funding to states that have comparable continuation coverage laws known as "mini-COBRA," which applies to small employers. It is important to note that Congress intended this legislation to apply to all assistance eligible individuals who were laid off on September 1, 2008 or later; however, Congress does not have jurisdiction over mini-COBRA employers. Thus, legislation is needed at the state level. It is my understanding that, unless the Florida Legislature enacts legislation to make the mini-COBRA coverage retroactive to workers who lost their jobs during September 1, 2008 through February 16, 2009, the measure would only apply to individuals who lost their jobs on or after February 17, 2009 – the day of the enactment of the American Recovery and Reinvestment Act. My office has already heard from numerous individuals who were working for small employers and lost their jobs on December 31, 2008 who would not be covered for the mini-COBRA premium assistance unless Tallahassee acts on this matter.

As leaders in both the House and Senate, you have the opportunity to ensure that this federal law applies to all assistance eligible Floridians in a just and equitable manner, and that eligible individuals receive the federal funds they are due. I urge you to take immediate action. I look forward to working with you on this and other issues of importance to Floridians.

Thank you for your prompt attention to this matter, and please do not hesitate to contact me anytime I may be of assistance to you.

With warmest regards,

Robert Wexler

RW:ec

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