

By Senator Joyner

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1 A bill to be entitled
2 An act relating to employment discrimination; creating
3 the Helen Gordon Davis Fair Pay Protection Act;
4 providing legislative findings and intent relating to
5 equal pay for equal work for women; recognizing the
6 importance of the Department of Economic Opportunity
7 and the Florida Commission on Human Relations in
8 ensuring fair pay; providing the duties of the
9 department and the commission; creating the Governor's
10 Recognition Award for Pay Equity in the Workplace;
11 requiring that the award be given annually to
12 employers in this state which have engaged in
13 activities that eliminate the barriers to equal pay
14 for equal work for women; requiring the executive
15 director of the department and the chair of the
16 commission to create, in cooperation with the
17 Executive Office of the Governor, eligibility criteria
18 for employers to receive the award; requiring the
19 executive director of the department to establish
20 procedures for applications, ceremonies, and
21 presentations of the award; providing an effective
22 date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Fair pay recognition; awards.-

27 (1) SHORT TITLE.-This section may be cited as the "Helen
28 Gordon Davis Fair Pay Protection Act."

29 (2) LEGISLATIVE FINDINGS AND INTENT.-

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30 (a) The Legislature finds that women have entered the
31 workforce in record numbers over the past 50 years. Yet, despite
32 the enactment of the Equal Pay Act of 1963, 29 U.S.C. s. 206(d),
33 many women continue to earn significantly lower pay than men for
34 equal work. These pay disparities exist in both the private and
35 governmental sectors. In many instances, the pay disparities are
36 the result of continued intentional discrimination against women
37 or the lingering effects of past discrimination against women.

38 (b) The Legislature finds that the existence of such pay
39 disparities:

40 1. Depresses the wages of working families who rely on the
41 wages of all members of the family;

42 2. Undermines the retirement security of women, which is
43 based on wages that women earn while in the workforce;

44 3. Prevents the optimum use of available labor resources;

45 4. Spreads and perpetuates, through commerce and the
46 instrumentalities of commerce, among workers in all states;

47 5. Burdens commerce and the free flow of goods in commerce;

48 6. Constitutes an unfair method of competition in commerce;

49 7. Leads to labor disputes;

50 8. Interferes with the orderly and fair marketing of goods
51 in commerce; and

52 9. Deprives women workers of equal protection on the basis
53 of gender in violation of the Fifth and the Fourteenth
54 Amendments to the United States Constitution.

55 (c) The Legislature finds that artificial barriers to the
56 payment of equal wages continue to exist decades after the
57 enactment of the Fair Labor Standards Act of 1938, 29 U.S.C. ss.
58 201 et seq., and the Civil Rights Act of 1964, 42 U.S.C. s.

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59 2000a. These barriers have resulted, in large part, because the
60 Equal Pay Act has not worked as Congress originally intended.
61 Improvements and modifications to the law are necessary in order
62 to ensure that the act provides effective protection to those
63 who are subject to pay discrimination on the basis of their
64 gender. The Legislature finds that eliminating such artificial
65 barriers would have positive effects, including:

66 1. Providing a solution to problems in the economy created
67 by unfair pay disparities;

68 2. Substantially reducing the number of women workers
69 earning unfairly low wages, thereby reducing dependence on
70 public assistance;

71 3. Promoting stable families by enabling all family members
72 to earn a fair rate of pay;

73 4. Remedying the effects of past discrimination on the
74 basis of gender and ensuring that in the future women workers
75 are afforded equal protection; and

76 5. Ensuring equal protection under s. 2, Article I of the
77 State Constitution.

78 (d) The Legislature finds that the Department of Economic
79 Opportunity and the Florida Commission on Human Relations have
80 important and unique responsibilities to ensure that women
81 receive equal pay for equal work. As a result of this section,
82 wage data, increased information about the provisions added to
83 the Equal Pay Act of 1963, and a stronger commitment by the
84 Department of Economic Opportunity and the Florida Commission on
85 Human Relations to their responsibilities and to more effective
86 remedies, women will be better able to recognize and enforce
87 their rights.

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88 (e) The Legislature further finds that certain employers
89 have already made great strides in eradicating unfair pay
90 disparities in the workplace and that their achievements should
91 be recognized.

92 (3) DUTIES OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY AND
93 THE FLORIDA COMMISSION ON HUMAN RELATIONS.-

94 (a) The Department of Economic Opportunity shall:

95 1. Collect and make publicly available information about
96 women's pay;

97 2. Ensure that companies receiving state contracts comply
98 with antidiscrimination and affirmative action requirements of
99 this state relating to equal employment opportunity;

100 3. Disseminate information about women's rights in the
101 workplace;

102 4. Help women who have been victims of pay discrimination
103 obtain a remedy;

104 5. Be proactive in investigating and prosecuting violations
105 of laws requiring equal pay, especially systemic violations, and
106 in enforcing all mandates of those laws; and

107 6. Conduct studies concerning the means that are available
108 to eliminate pay disparities between men and women and, in
109 connection with such studies, shall:

110 a. Promote research to develop the means to expeditiously
111 correct the conditions leading to pay disparities;

112 b. Publish and otherwise make available to employers, labor
113 organizations, professional associations, educational
114 institutions, the media, and the public findings resulting from
115 studies and other materials relating to eliminating pay
116 disparities;

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117 c. Sponsor and assist state and community informational and
118 educational programs;

119 d. Provide information to employers, labor organizations,
120 professional associations, and other interested persons on the
121 means of eliminating pay disparities; and

122 e. Recognize and promote the achievements of employers,
123 labor organizations, and professional associations that have
124 worked to eliminate pay disparities.

125 (b) The Florida Commission on Human Relations is the
126 primary enforcement agency for claims made under the Equal Pay
127 Act and shall adopt rules and issue guidance on appropriate
128 interpretations of the law.

129 (4) THE GOVERNOR'S RECOGNITION AWARD FOR PAY EQUITY IN THE
130 WORKPLACE.—

131 (a) The Legislature establishes the Governor's Recognition
132 Award for Pay Equity in the Workplace, which shall be given
133 annually to employers in this state which have engaged in
134 activities that eliminate the barriers to equal pay for equal
135 work. The award ceremony to recognize employers shall be
136 organized in such a way so as to encourage proactive efforts by
137 other employers to equalize pay between men and women performing
138 the same work.

139 (b) The executive director of the Department of Economic
140 Opportunity and the chair of the Florida Commission on Human
141 Relations, in cooperation with the Executive Office of the
142 Governor, shall create eligibility criteria for employers to
143 receive the award. The criteria must include a requirement that
144 an employer must have made substantial efforts to eliminate pay
145 disparities between men and women. The executive director shall

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146 establish procedures for applications, regional ceremonies, and
147 presentations of the award.

148 Section 2. This act shall take effect July 1, 2015.