

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 duties of the department  
 9           and commission; creating the Governor's Recognition  
 10          Award for Pay Equity in the Workplace; requiring the  
 11          award to be given annually to employers in this state  
 12          that have engaged in activities that eliminate the  
 13          barriers to equal pay for equal work for women;  
 14          requiring the executive director of the department and  
 15          the chair of the commission to work cooperatively with  
 16          the Executive Office of the Governor to create  
 17          eligibility criteria for employers to receive the  
 18          award; providing an effective date.

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 20 Be It Enacted by the Legislature of the State of Florida:

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 22           Section 1. Fair pay recognition; awards.-

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

25           (2) LEGISLATIVE FINDINGS AND INTENT.-

26           (a) The Legislature finds that women have entered the

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

34 (b) The Legislature finds that the existence of such pay  
35 disparities:

36 1. Depresses the wages of working families who rely on the  
37 wages of all members of the family;

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

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

41 4. Spreads and perpetuates such disparities, through  
42 commerce and the instrumentalities of commerce, among workers in  
43 all states;

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

46 6. Constitutes an unfair method of competition in  
47 commerce;

48 7. Leads to labor disputes;

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

51 9. Deprives women workers of equal protection on the basis  
52 of gender in violation of the Fifth and the Fourteenth

53 Amendments to the United States Constitution.

54 (c) The Legislature finds that artificial barriers to the  
55 payment of equal wages continue to exist decades after the  
56 enactment of the Fair Labor Standards Act of 1938, 29 U.S.C. ss.  
57 201 et seq., and the Civil Rights Act of 1964, 42 U.S.C. s.  
58 2000a. These barriers have resulted, in large part, because the  
59 Equal Pay Act has not worked as Congress originally intended.  
60 Improvements and modifications to the law are necessary in order  
61 to ensure that the act provides effective protection to those  
62 who are subject to pay discrimination on the basis of their  
63 gender. The Legislature finds that eliminating such artificial  
64 barriers would have positive effects, including:

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

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

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

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

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

77 (d) The Legislature finds that the Department of Economic  
78 Opportunity and the Florida Commission on Human Relations have

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

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

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

93 (a) The Department of Economic Opportunity shall:

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

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

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

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

103 5. Be proactive in investigating and prosecuting  
104 violations of laws requiring equal pay, especially systemic

105 violations, and in enforcing all mandates of those laws; and

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

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

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

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

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

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

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

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

130 (a) The Legislature establishes the Governor's Recognition

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

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

147 Section 2. This act shall take effect July 1, 2016.