

By the Committee on Commerce and Economic Opportunities; and
Senator Dawson

310-1226-02

1 A bill to be entitled
2 An act relating to wage discrimination;
3 creating the "Equal Pay Commission Act";
4 providing for the Secretary of Labor and
5 Employment Security to appoint the Equal Pay
6 Commission; providing membership criteria;
7 requiring the commission to conduct a study;
8 specifying the subject of the study;
9 prohibiting commission members from receiving
10 compensation; authorizing payment of per diem
11 and travel expenses for commission members;
12 requiring the Department of Labor and
13 Employment Security to provide staff and
14 administrative support for the commission;
15 providing for expiration; providing an
16 appropriation; providing an effective date.

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18 WHEREAS, despite federal and state laws banning
19 discrimination in employment and pay in both the public and
20 private sectors, wage differentials persist between women and
21 men and between minorities and nonminorities in the same jobs
22 and in jobs that are dissimilar but that require equivalent
23 composites of skill, effort, responsibility, and working
24 conditions, and

25 WHEREAS, the existence of such wage differentials
26 depresses wages and living standards for employees, thereby
27 compromising their health and efficiency, reduces family
28 incomes and contributes to higher poverty rates among
29 households headed by females and minority households, prevents
30 the maximum utilization of available labor resources, and

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1 tends to cause labor disputes, thereby burdening and
2 obstructing commerce, and

3 WHEREAS, the Florida Civil Rights Act of 1992, sections
4 760.01-760.11, Florida Statutes, states that it is an unlawful
5 employment practice for an employer "to discriminate against
6 any individual with respect to compensation, terms,
7 conditions, or privileges of employment because of such
8 individual's race, color, religion, sex, national origin, age,
9 handicap, or marital status," and

10 WHEREAS, discrimination in wage-setting practices has
11 played a role in depressing wages for women and minorities
12 generally, and

13 WHEREAS, many individuals work in occupations that are
14 dominated by individuals of their own sex, race, or national
15 origin, and discrimination in hiring, job assignments, and
16 promotion has played a role in establishing and maintaining
17 segregated work forces, and

18 WHEREAS, eliminating discrimination in compensation
19 based on sex, race, and national origin would have positive
20 effects, including providing a solution to problems in the
21 economy created by discriminatory wage differentials, reducing
22 the number of working women and people of color earning low
23 wages, thereby lowering their incidence of poverty during
24 normal working years and in retirement, and promoting stable
25 families by raising family incomes, and

26 WHEREAS, it is the purpose of this act to correct and
27 as rapidly as practicable eliminate discriminatory wage
28 practices based on sex, race, color, religion, national
29 origin, age, handicap, or marital status, NOW, THEREFORE,

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

1 Section 1. Equal Pay Commission Act; commission
2 membership, duties.--

3 (1) This section may be cited as the "Equal Pay
4 Commission Act."

5 (2) Within 90 days after the effective date of this
6 section, the Secretary of Labor and Employment Security shall
7 appoint a commission consisting of nine members, to be known
8 as the Equal Pay Commission.

9 (3) Membership on the commission shall include:

10 (a) Two representatives of business in this state who
11 are appointed from among individuals nominated by state
12 business organizations and business trade associations;

13 (b) Two representatives of labor organizations who
14 have been nominated by state labor federations. As used in
15 this paragraph, the term "state labor federation" means an
16 organization that:

17 1. Is chartered by a federation of national or
18 international unions;

19 2. Admits to membership local unions; and

20 3. Exists primarily to carry on educational,
21 legislative, and coordinating activities;

22 (c) Two representatives of organizations the
23 objectives of which include the elimination of pay disparities
24 between men and women or between minorities and nonminorities,
25 and who have undertaken advocacy, educational, or legislative
26 initiatives in pursuit of such objective; and

27 (d) Three individuals drawn from higher education or
28 research institutions who have experience and expertise in the
29 collection and analysis of data concerning such pay
30 disparities and whose research has already been used in
31 efforts to promote the elimination of those disparities.

1 (4) By January 2003, the commission shall submit a
2 report to the Governor, the President of the Senate, the
3 Speaker of the House of Representatives, and the Secretary of
4 Labor and Employment Security. The report shall comprise a
5 full and complete study of:

6 (a) The extent of wage disparities, in both the public
7 and private sectors, between men and women and between
8 minorities and nonminorities;

9 (b) Those factors that cause or tend to cause such
10 disparities, including segregation between women and men and
11 between minorities and nonminorities across and within
12 occupations, payment of lower wages for work in
13 female-dominated occupations, child-rearing responsibilities,
14 and education and training;

15 (c) The consequences of such disparities on the
16 economy and on affected families; and

17 (d) Actions, including proposed legislation, which are
18 likely to lead to the elimination and prevention of such
19 disparities.

20 (5) Members of the commission shall serve without
21 compensation but are entitled to per diem and travel expenses
22 as provided in section 112.061, Florida Statutes.

23 (6) The Department of Labor and Employment Security
24 shall provide staff and administrative support for the
25 commission.

26 (7) This section expires June 30, 2003.

27 Section 2. The sum of \$175,000 is appropriated from
28 the General Revenue Fund to the Department of Labor and
29 Employment Security, and 2 full-time-equivalent positions are
30 authorized, for the purpose of implementing this act during
31 the 2002-2003 fiscal year.

1 Section 3. This act shall take effect upon becoming a
2 law.

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4 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
5 COMMITTEE SUBSTITUTE FOR
6 Senate Bill 310

7 The committee substitute requires the Equal Pay Commission to
8 submit a report by January 2003 to the Governor, the President
9 of the Senate, the Speaker of the House of Representatives,
10 and the Secretary of Labor and Employment Security; authorizes
11 the payment of per diem and travel expenses for commission
12 members, but requires commission members to serve without
13 compensation; assigns the Department of Labor and Employment
14 Security as the agency responsible for providing staff and
15 administrative support for the commission; authorizes 2
16 full-time-equivalent positions and provides a \$175,000
17 appropriation for the department to implement the act; and
18 provides that the authority creating the commission will
19 expire on June 30, 2003.
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