

1 A bill to be entitled
 2 An act relating to employment discrimination; creating the
 3 Helen Gordon Davis Equal Pay Protection Act; providing
 4 legislative findings relating to equal pay for equal work
 5 for women; recognizing the importance of the Agency for
 6 Workforce Innovation and the Commission on Human Relations
 7 in ensuring such equal pay; requiring the agency to
 8 conduct studies and provide information to employers,
 9 labor organizations, and the public concerning the means
 10 available to eliminate pay disparities between men and
 11 women; creating the Governor's Recognition Award for Pay
 12 Equity in the Workplace; requiring that the award be made
 13 annually to businesses in this state which have engaged in
 14 activities to eliminate the barriers to equal pay for
 15 equal work for women; requiring the director of the agency
 16 and the chair of the commission to work cooperatively with
 17 the Executive Office of the Governor to create eligibility
 18 criteria for employers to receive the award; providing an
 19 effective date.

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

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 23 Section 1. Equal pay recognition; awards.--
 24 (1) SHORT TITLE.--This section may be cited as the "Helen
 25 Gordon Davis Equal Pay Protection Act."
 26 (2) LEGISLATIVE FINDINGS AND INTENT; DUTIES OF AGENCY FOR
 27 WORKFORCE INNOVATION AND COMMISSION ON HUMAN RELATIONS.--
 28 (a) The Legislature finds that women have entered the

HB 1399

2009

29 workforce in record numbers over the past 50 years and, despite
30 the enactment of the Equal Pay Act in 1963, many women continue
31 to earn significantly lower salaries and pay than men for equal
32 work. These pay disparities exist in both the private and
33 governmental sectors. In many instances, the pay disparities are
34 the result of continued intentional discrimination against women
35 or the lingering effects of past discrimination against women.

36 (b) The Legislature further finds that the existence of
37 such pay disparities:

38 1. Depresses the wages of working families who rely on the
39 wages of all members of the family.

40 2. Undermines the retirement security of women, which is
41 based on the wages that women earn while in the workforce.

42 3. Prevents the optimum use of available labor resources.

43 4. Continues to spread and perpetuate, through commerce
44 and the instrumentalities of commerce, among workers in all
45 states.

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

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

50 7. Leads to labor disputes that burden and obstruct
51 commerce and the free flow of goods in commerce.

52 8. Interferes with the orderly and fair marketing of goods
53 in commerce.

54 9. Deprives female workers of equal protection on the
55 basis of gender in violation of the Fifth and Fourteenth
56 Amendments to the United States Constitution.

HB 1399

2009

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

68 1. Providing a solution to problems in the economy created
69 by unfair pay disparities.

70 2. Substantially reducing the number of working women who
71 earn unfairly low wages, thereby reducing their dependence on
72 public assistance.

73 3. Promoting stable families by enabling each family
74 member to earn a fair rate of pay.

75 4. Remediating the effects of past discrimination on the
76 basis of gender and ensuring that female workers are afforded
77 equal protection in the future.

78 5. Ensuring equal protection under s. 2, Article I of the
79 State Constitution.

80 (d) The Legislature recognizes that the Agency for
81 Workforce Innovation and the Commission on Human Relations have
82 important and unique responsibilities to help ensure that women
83 receive equal pay for equal work.

84 1. The Agency for Workforce Innovation shall:

HB 1399

2009

85 a. Collect information about women's pay and make the
86 information publicly available.

87 b. Ensure that companies receiving state contracts comply
88 with antidiscrimination and affirmative action requirements of
89 this state relating to equal employment opportunity.

90 c. Disseminate information about women's rights in the
91 workplace.

92 d. Assist women who have been victims of pay
93 discrimination to obtain remedies.

94 e. Be proactive in investigating and prosecuting
95 violations of laws requiring equal pay, especially systemic
96 violations, and in enforcing all mandates of those laws.

97 2. The Commission on Human Relations is the primary
98 enforcement agency for claims made under the Equal Pay Act. The
99 commission shall issue regulations and guidance on appropriate
100 interpretations of the act.

101 3. As a result of a stronger commitment by the Agency for
102 Workforce Innovation and the Commission on Human Relations to
103 their responsibilities, more effective remedies, and increased
104 information about the provisions added to the Equal Pay Act of
105 1963, this section, and wage data, women will be better able to
106 recognize and enforce their rights.

107 (e) The Legislature recognizes that certain employers have
108 already made great strides in eradicating unfair pay disparities
109 in the workplace and intends that their achievements be
110 recognized.

111 (3) RESEARCH; EDUCATION; OUTREACH.--The director of
112 Workforce Innovation shall conduct studies and provide

HB 1399

2009

113 information to employers, labor organizations, and the public
114 concerning the means that are available to eliminate pay
115 disparities between men and women. These efforts shall include:

116 (a) Conducting and promoting research to develop the means
117 to expeditiously correct the conditions leading to pay
118 disparities.

119 (b) Publishing and otherwise making available to
120 employers, labor organizations, professional associations,
121 educational institutions, the media, and the public findings
122 resulting from studies and other materials relating to
123 eliminating pay disparities.

124 (c) Sponsoring and assisting state and community
125 informational and educational programs.

126 (d) Providing information to employers, labor
127 organizations, professional associations, and other interested
128 persons on the means of eliminating pay disparities.

129 (e) Recognizing and promoting the achievements of
130 employers, labor organizations, and professional associations
131 that have worked to eliminate pay disparities.

132 (4) GOVERNOR'S RECOGNITION AWARD FOR PAY EQUITY IN THE
133 WORKPLACE.--

134 (a) There is established the Governor's Recognition Award
135 for Pay Equity in the Workplace, which shall be awarded annually
136 to businesses in this state that have engaged in activities to
137 eliminate the barriers to equal pay for equal work. The ceremony
138 to recognize the employers shall be organized in such a way so
139 as to encourage proactive efforts by other employers to equalize
140 pay between men and women performing equal work.

HB 1399

2009

141 (b) The director of Workforce Innovation and the chair of
142 the Commission on Human Relations, in cooperation with the
143 Executive Office of the Governor, shall establish criteria for
144 employers to be eligible to receive the award. The criteria
145 shall include a requirement that an employer must have made
146 substantial efforts to eliminate pay disparities between men and
147 women, which efforts deserve special recognition. The director
148 shall establish procedures for applications, regional
149 ceremonies, and presentations of the award.

150 Section 2. This act shall take effect July 1, 2009.