

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

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

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24           Section 1. Equal pay recognition; awards.-

25           (1) SHORT TITLE.-This section may be cited as the "Helen  
26 Gordon Davis Equal Pay Protection Act."

27           (2) LEGISLATIVE FINDINGS AND INTENT; DUTIES OF AGENCY FOR  
28 WORKFORCE INNOVATION AND COMMISSION ON HUMAN RELATIONS.-

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

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

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

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

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

3. Prevents the optimum use of available labor resources;

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

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

6. Constitutes an unfair method of competition in commerce;

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

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

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

(c)1. The Legislature further finds that artificial barriers to the payment of equal wages continue to exist decades after the enactment of the Fair Labor Standards Act of 1938, s. 29 U.S.C. 201 et seq., and the Civil Rights Act of 1964, 42

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59 U.S.C. s. 2000a. These barriers have resulted, in large part,  
60 because the federal Equal Pay Act has not worked as Congress  
61 originally intended. Improvements and modifications to the law  
62 are necessary to ensure that the act provides effective  
63 protection to those subject to pay discrimination on the basis  
64 of their gender.

65 2. The Legislature finds that eliminating such artificial  
66 barriers would have positive effects, including:

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

69 b. Substantially reducing the number of working women  
70 earning unfairly low wages, thereby reducing the dependence on  
71 public assistance;

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

74 d. Remedying the effects of past discrimination on the  
75 basis of gender and ensuring that in the future female workers  
76 are afforded equal protection; and

77 e. Ensuring equal protection under s. 2, Article I of the  
78 State Constitution.

79 (d)1. The Legislature finds that the Agency for Workforce  
80 Innovation and the Commission on Human Relations have important  
81 and unique responsibilities to help ensure that women receive  
82 equal pay for equal work.

83 2. The Agency for Workforce Innovation shall:

84 a. Collect and make publicly available information about  
85 women's pay;

86 b. Ensure that companies receiving state contracts comply  
87 with antidiscrimination and affirmative action requirements of

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88 this state relating to equal employment opportunity;

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

91 d. Help women who have been victims of pay discrimination  
92 obtain a remedy; and

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

96 3. The Commission on Human Relations is the primary  
97 enforcement agency for claims made under the Equal Pay Act, and  
98 shall issue regulations and guidance on appropriate  
99 interpretations of the law.

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

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

109 (3) RESEARCH, EDUCATION, AND OUTREACH.—The director of the  
110 Agency for Workforce Innovation shall conduct studies and  
111 provide information to employers, labor organizations, and the  
112 public concerning the means that are available to eliminate pay  
113 disparities between men and women. These efforts shall include:

114 (a) Conducting and promoting research to develop the means  
115 to expeditiously correct the conditions leading to pay  
116 disparities;

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

122 (c) Sponsoring and assisting state and community  
123 informational and educational programs;

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

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

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

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

140 (b) The director of the Agency for Workforce Innovation and  
141 the chairperson of the Commission on Human Relations, in  
142 cooperation with the Executive Office of the Governor, shall  
143 create criteria for employers to be eligible to receive the  
144 award. The criteria shall include a requirement that an employer  
145 must have made substantial efforts to eliminate pay disparities

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146 between men and women and deserves special recognition as a  
147 consequence of such efforts. The director shall establish  
148 procedures for applications, regional ceremonies, and  
149 presentations of the award.

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