

1 A bill to be entitled
 2 An act relating to employment discrimination; providing a
 3 short title; providing legislative findings and intent;
 4 requiring the Agency for Workforce Innovation to conduct
 5 studies and provide information to employers, labor
 6 organizations, and the public concerning the means
 7 available to eliminate pay disparities between men and
 8 women; designating the Commission on Human Relations as
 9 the primary enforcement agency for claims under the
 10 federal Equal Pay Act; requiring the commission to adopt
 11 rules and issue guidance on the federal act; creating the
 12 Governor's Recognition Award for Pay Equity in the
 13 Workplace; requiring that the award be made annually to
 14 businesses in this state that have engaged in activities
 15 that eliminate the barriers to equal pay for equal work
 16 for women; requiring the director of Workforce Innovation
 17 and the chairperson of the commission to work
 18 cooperatively with the Executive Office of the Governor to
 19 create eligibility criteria for employers to receive the
 20 award; providing an effective date.

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

38 (b) The Legislature further finds that the existence of
 39 such pay 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 the wages that women earn while in the workforce;

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

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

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

50 6. Constitutes an unfair method of competition in
 51 commerce;

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

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

56 9. Deprives female workers of equal protection on the

57 basis of gender in violation of the Fifth and the Fourteenth
58 Amendments to the United States Constitution.

59 (c)1. The Legislature further finds that artificial
60 barriers to the payment of equal wages continue to exist decades
61 after the enactment of the Fair Labor Standards Act of 1938, s.
62 29 U.S.C. 201 et seq., and the Civil Rights Act of 1964, 42
63 U.S.C. s. 2000a. These barriers have resulted, in large part,
64 because the federal Equal Pay Act of 1963 has not worked as
65 Congress originally intended. Improvements and modifications to
66 the law are necessary to ensure that the act provides effective
67 protection to those subject to pay discrimination on the basis
68 of their gender.

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

71 a. Providing a solution to problems in the economy created
72 by unfair pay disparities;

73 b. Substantially reducing the number of working women
74 earning unfairly low wages, thereby reducing the dependence on
75 public assistance;

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

78 d. Remediating the effects of past discrimination on the
79 basis of gender and ensuring that female workers are afforded
80 equal protection in the future; and

81 e. Ensuring equal protection under s. 2, Article I of the
82 State Constitution.

83 (d)1. The Legislature finds that the Agency for Workforce
84 Innovation and the Commission on Human Relations have important

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85 and unique responsibilities to help ensure that women receive
86 equal pay for equal work.

87 2. The Agency for Workforce Innovation shall:

88 a. Collect and make information about women's pay
89 available to the public;

90 b. Ensure that companies receiving state contracts comply
91 with the antidiscrimination and affirmative action requirements
92 of this state relating to equal employment opportunity;

93 c. Disseminate information about women's rights in the
94 workplace;

95 d. Help women who are victims of pay discrimination obtain
96 a remedy; and

97 e. Be proactive in investigating and prosecuting
98 violations of laws requiring equal pay, especially systemic
99 violations, and in enforcing all mandates of those laws.

100 3. The Commission on Human Relations is the primary
101 enforcement agency for claims made under the federal Equal Pay
102 Act. The commission shall adopt rules and issue guidance on
103 appropriate interpretations of the federal act.

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

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

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

118 (a) Conducting and promoting research to develop the means
119 to expeditiously correct the conditions leading to pay
120 disparities;

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

126 (c) Sponsoring and assisting state and community
127 informational and educational programs;

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

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

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

136 (a) There is created the Governor's Recognition Award for
137 Pay Equity in the Workplace, which shall be awarded annually to
138 businesses in this state that have engaged in activities that
139 eliminate the barriers to equal pay for equal work. The ceremony
140 to recognize the employers shall be organized in such a way so

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141 as to encourage proactive efforts by other employers to equalize
142 pay between men and women performing the same work.

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

153 Section 2. This act shall take effect July 1, 2010.