

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

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

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 25 Section 1. Fair pay recognition; awards.-

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

28 (2) LEGISLATIVE FINDINGS AND INTENT; DUTIES OF THE

29 DEPARTMENT OF ECONOMIC OPPORTUNITY AND COMMISSION ON HUMAN
 30 RELATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

84 (d)1. The Legislature finds that the Department of

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85 Economic Opportunity and the Commission on Human Relations have
86 important and unique responsibilities to help ensure that women
87 receive equal pay for equal work.

88 2. The Department of Economic Opportunity shall:

89 a. Collect and make publicly available information about
90 women's pay;

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

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

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

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

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

105 4. As a result of a stronger commitment by the Department
106 of Economic Opportunity and the Commission on Human Relations to
107 their responsibilities, more effective remedies, and increased
108 information about the provisions added to the Equal Pay Act of
109 1963, this section, and wage data, women will be better able to
110 recognize and enforce their rights.

111 (e) The Legislature recognizes that certain employers have
112 already made great strides in eradicating unfair pay disparities

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113 in the workplace and their achievements should be recognized.

114 (3) RESEARCH, EDUCATION, AND OUTREACH.—The executive
115 director of the Department of Economic Opportunity shall conduct
116 studies and provide information to employers, labor
117 organizations, and the public concerning the means that are
118 available to eliminate pay disparities between men and women.

119 These efforts shall include:

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

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

128 (c) Sponsoring and assisting state and community
129 informational and educational programs;

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

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

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

138 (a) The Legislature establishes the Governor's Recognition
139 Award for Pay Equity in the Workplace, which shall be awarded
140 annually to businesses in this state which have engaged in

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141 activities that eliminate the barriers to equal pay for equal
142 work. The ceremony to recognize employers shall be organized in
143 such a way so as to encourage proactive efforts by other
144 employers to equalize pay between men and women performing the
145 same work.

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

156 Section 2. This act shall take effect July 1, 2013.