

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 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

19-00009A-13

201370__

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 and
47 the instrumentalities of commerce, among workers in all states;

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

49 6. Constitutes an unfair method of competition in 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; and

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

57 (c)1. The Legislature further finds that artificial
58 barriers to the payment of equal wages continue to exist decades

19-00009A-13

201370

59 after the enactment of the Fair Labor Standards Act of 1938, s.
60 29 U.S.C. 201 et seq., and the Civil Rights Act of 1964, 42
61 U.S.C. s. 2000a. These barriers have resulted, in large part,
62 because the federal Equal Pay Act has not worked as Congress
63 originally intended. Improvements and modifications to the law
64 are necessary in order to ensure that the act provides effective
65 protection to those who are subject to pay discrimination on the
66 basis of their gender.

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

69 a. Providing a solution to problems in the economy created
70 by unfair pay disparities;

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

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

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

79 e. Ensuring equal protection under s. 2, Article I of the
80 State Constitution.

81 (d)1. The Legislature finds that the Department of Economic
82 Opportunity and the Commission on Human Relations have important
83 and unique responsibilities to help ensure that women receive
84 equal pay for equal work.

85 2. The Department of Economic Opportunity shall:

86 a. Collect and make publicly available information about
87 women's pay;

19-00009A-13

201370

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

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

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

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

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

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

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

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

19-00009A-13

201370

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

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

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

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

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

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

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

143 (b) The executive director of the Department of Economic
144 Opportunity and the chairperson of the Commission on Human
145 Relations, in cooperation with the Executive Office of the

19-00009A-13

201370__

146 Governor, shall create criteria for employers to be eligible to
147 receive the award. The criteria shall include a requirement that
148 an employer must have made substantial efforts to eliminate pay
149 disparities between men and women and deserves special
150 recognition as a consequence of such efforts. The executive
151 director shall establish procedures for applications, regional
152 ceremonies, and presentations of the award.

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