

By Senator Joyner

19-00013A-14

2014206\_\_

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

21 Be It Enacted by the Legislature of the State of Florida:  
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23 Section 1. Fair pay recognition; awards.—

24 (1) SHORT TITLE.—This section may be cited as the "Helen  
25 Gordon Davis Fair Pay Protection Act."

26 (2) LEGISLATIVE FINDINGS AND INTENT.—

27 (a) The Legislature finds that women have entered the  
28 workforce in record numbers over the past 50 years. Yet, despite  
29 the enactment of the Equal Pay Act of 1963, 29 U.S.C. s. 206(d),

19-00013A-14

2014206\_\_

30 many women continue to earn significantly lower pay than men for  
31 equal work. These pay disparities exist in both the private and  
32 governmental sectors. In many instances, the pay disparities are  
33 the result of continued intentional discrimination against women  
34 or the lingering effects of past discrimination against women.

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

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

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

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

42 4. Spreads and perpetuates, through commerce and the  
43 instrumentalities of commerce, among workers in all states;

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

45 6. Constitutes an unfair method of competition in commerce;

46 7. Leads to labor disputes;

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

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

52 (c) The Legislature finds that artificial barriers to the  
53 payment of equal wages continue to exist decades after the  
54 enactment of the Fair Labor Standards Act of 1938, 29 U.S.C. ss.  
55 201 et seq., and the Civil Rights Act of 1964, 42 U.S.C. s.  
56 2000a. These barriers have resulted, in large part, because the  
57 Equal Pay Act has not worked as Congress originally intended.  
58 Improvements and modifications to the law are necessary in order

19-00013A-14

2014206\_\_

59 to ensure that the act provides effective protection to those  
60 who are subject to pay discrimination on the basis of their  
61 gender. The Legislature finds that eliminating such artificial  
62 barriers would have positive effects, including:

63 1. Providing a solution to problems in the economy created  
64 by unfair pay disparities;

65 2. Substantially reducing the number of women workers  
66 earning unfairly low wages, thereby reducing dependence on  
67 public assistance;

68 3. Promoting stable families by enabling all family members  
69 to earn a fair rate of pay;

70 4. Remedying the effects of past discrimination on the  
71 basis of gender and ensuring that in the future women workers  
72 are afforded equal protection; and

73 5. Ensuring equal protection under s. 2, Article I of the  
74 State Constitution.

75 (d) The Legislature finds that the Department of Economic  
76 Opportunity and the Florida Commission on Human Relations have  
77 important and unique responsibilities to ensure that women  
78 receive equal pay for equal work. As a result of this section,  
79 wage data, increased information about the provisions added to  
80 the Equal Pay Act of 1963, and a stronger commitment by the  
81 Department of Economic Opportunity and the Florida Commission on  
82 Human Relations to their responsibilities and to more effective  
83 remedies, women will be better able to recognize and enforce  
84 their rights.

85 (e) The Legislature further finds that certain employers  
86 have already made great strides in eradicating unfair pay  
87 disparities in the workplace and that their achievements should

19-00013A-14

2014206\_\_

88 be recognized.

89 (3) DUTIES OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY AND  
90 THE FLORIDA COMMISSION ON HUMAN RELATIONS.-

91 (a) The Department of Economic Opportunity shall:

92 1. Collect and make publicly available information about  
93 women's pay;

94 2. Ensure that companies receiving state contracts comply  
95 with antidiscrimination and affirmative action requirements of  
96 this state relating to equal employment opportunity;

97 3. Disseminate information about women's rights in the  
98 workplace;

99 4. Help women who have been victims of pay discrimination  
100 obtain a remedy;

101 5. Be proactive in investigating and prosecuting violations  
102 of laws requiring equal pay, especially systemic violations, and  
103 in enforcing all mandates of those laws; and

104 6. Conduct studies concerning the means that are available  
105 to eliminate pay disparities between men and women and, in  
106 connection with such studies, shall:

107 a. Promote research to develop the means to expeditiously  
108 correct the conditions leading to pay disparities;

109 b. Publish and otherwise make available to employers, labor  
110 organizations, professional associations, educational  
111 institutions, the media, and the public findings resulting from  
112 studies and other materials relating to eliminating pay  
113 disparities;

114 c. Sponsor and assist state and community informational and  
115 educational programs;

116 d. Provide information to employers, labor organizations,

19-00013A-14

2014206\_\_

117 professional associations, and other interested persons on the  
118 means of eliminating pay disparities; and

119 e. Recognize and promote the achievements of employers,  
120 labor organizations, and professional associations that have  
121 worked to eliminate pay disparities.

122 (b) The Florida Commission on Human Relations is the  
123 primary enforcement agency for claims made under the Equal Pay  
124 Act and shall adopt rules and issue guidance on appropriate  
125 interpretations of the law.

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

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

136 (b) The executive director of the Department of Economic  
137 Opportunity and the chair of the Florida Commission on Human  
138 Relations, in cooperation with the Executive Office of the  
139 Governor, shall create eligibility criteria for employers to  
140 receive the award. The criteria must include a requirement that  
141 an employer must have made substantial efforts to eliminate pay  
142 disparities between men and women. The executive director shall  
143 establish procedures for applications, regional ceremonies, and  
144 presentations of the award.

145 Section 2. This act shall take effect July 1, 2014.