

By Senator Joyner

19-00057-15

201598\_\_

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 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 create, in cooperation with the  
17      Executive Office of the Governor, eligibility criteria  
18      for employers to receive the award; requiring the  
19      executive director of the department to establish  
20      procedures for applications, ceremonies, and  
21      presentations of the award; providing an effective  
22      date.

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

25  
26       Section 1. Fair pay recognition; awards.-

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

29       (2) LEGISLATIVE FINDINGS AND INTENT.-

19-00057-15

201598\_\_

30       (a) The Legislature finds that women have entered the  
31 workforce in record numbers over the past 50 years. Yet, despite  
32 the enactment of the Equal Pay Act of 1963, 29 U.S.C. s. 206(d),  
33 many women continue to earn significantly lower pay than men for  
34 equal work. These pay disparities exist in both the private and  
35 governmental sectors. In many instances, the pay disparities are  
36 the result of continued intentional discrimination against women  
37 or the lingering effects of past discrimination against women.

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

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

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

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

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

49           7. Leads to labor disputes;

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

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

55       (c) The Legislature finds that artificial barriers to the  
56 payment of equal wages continue to exist decades after the  
57 enactment of the Fair Labor Standards Act of 1938, 29 U.S.C. ss.  
58 201 et seq., and the Civil Rights Act of 1964, 42 U.S.C. s.

19-00057-15

201598\_\_

59 2000a. These barriers have resulted, in large part, because the  
60 Equal Pay Act has not worked as Congress originally intended.  
61 Improvements and modifications to the law are necessary in order  
62 to ensure that the act provides effective protection to those  
63 who are subject to pay discrimination on the basis of their  
64 gender. The Legislature finds that eliminating such artificial  
65 barriers would have positive effects, including:

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

68 2. Substantially reducing the number of women workers  
69 earning unfairly low wages, thereby reducing dependence on  
70 public assistance;

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

73 4. Remedying the effects of past discrimination on the  
74 basis of gender and ensuring that in the future women workers  
75 are afforded equal protection; and

76 5. Ensuring equal protection under s. 2, Article I of the  
77 State Constitution.

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

19-00057-15

201598\_\_

88 (e) The Legislature further finds that certain employers  
89 have already made great strides in eradicating unfair pay  
90 disparities in the workplace and that their achievements should  
91 be recognized.

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

94 (a) The Department of Economic Opportunity shall:

95 1. Collect and make publicly available information about  
96 women's pay;

97 2. Ensure that companies receiving state contracts comply  
98 with antidiscrimination and affirmative action requirements of  
99 this state relating to equal employment opportunity;

100 3. Disseminate information about women's rights in the  
101 workplace;

102 4. Help women who have been victims of pay discrimination  
103 obtain a remedy;

104 5. Be proactive in investigating and prosecuting violations  
105 of laws requiring equal pay, especially systemic violations, and  
106 in enforcing all mandates of those laws; and

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

110 a. Promote research to develop the means to expeditiously  
111 correct the conditions leading to pay disparities;

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

19-00057-15

201598\_\_

117 c. Sponsor and assist state and community informational and  
118 educational programs;

119 d. Provide information to employers, labor organizations,  
120 professional associations, and other interested persons on the  
121 means of eliminating pay disparities; and

122 e. Recognize and promote the achievements of employers,  
123 labor organizations, and professional associations that have  
124 worked to eliminate pay disparities.

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

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

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

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

19-00057-15

201598\_\_

146 establish procedures for applications, regional ceremonies, and  
147 presentations of the award.

148 Section 2. This act shall take effect July 1, 2015.