

2017 HR Florida Legislative Conference Proposed Workplace Legislation

The following bills were proposed during the 2017 legislative year; however, none were brought to the floor during Session but may be revised and seen again in upcoming years.

SB 160 & HB 945 – Minimum Wage

In addition to the rate of inflation adjustment, increases minimum wage by \$1 on January 1, 2018 and by \$1.50 each January 1 thereafter through 2021.

HR Florida's Position – Opposed

HR Florida would support a reasonable wage increase; however, this proposal increased the wage too much and too fast.

SB 666 & HB 623 – Florida Competitive Workforce Act

Amends the Florida Civil Rights Act to add sexual orientation and gender identity as protected classes.

HR Florida's Position – Supports

HR Florida supports equal employment opportunities in the workplace.

SB 410 & HB 319 – Helen Gordon Davis Fair Pay Protection Act

Revises an existing law (FS 448.07) which prohibits wage rate discrimination based on gender to include discrimination based on gender identity. The bills also include prohibitions against “less favorable employment opportunities;” retaliation based on employees discussing wages and encouraging others to exercise their rights; and pre-employment inquiries by employers relating to an applicant’s prior wages and benefits. These bills also create civil penalties for violations.

HR Florida's Position – Opposes

HR Florida supports equal pay but is concerned that the proposed bills implicitly create a private cause of action. We are also concerned about the limitations on an employer’s ability to inquire as to prior wage history as such information is often valuable in the hiring process. In addition, we believe that employers should be able to require that payments made as part of severance agreements be maintained as confidential.

HB 31 – Background Screening (aka “Ban the Box”)

SB 244 – Background Screening by Public Employers (aka “Ban the Box”)

Prohibits employers from inquiring into an applicant’s criminal history prior to the applicant’s initial interview and prior to making a conditional offer of employment. An exemption is provided for jobs in which federal, state, or local law require considerations of criminal history, such as, law enforcement, criminal justice, and volunteers.

HR Florida's Position – Oppose as written

HR Florida is fundamentally opposed to any legislation that impairs an employer’s ability to seek information relative to an applicant’s background. However, we could support such

legislation if it was limited to dealing with employment application forms and did not limit an employer's ability to obtain information until after a conditional offer of employment is made.

HB 11 & SB 1292 – Labor Organizations

Requires labor organizations registering with the state as the representative of a bargaining unit in the public sector to provide information regarding the percentage of its members who pay dues. If the percentage drops below 50% the labor organization must then petition the Public Employee Relations Commission for recertification as the representative of the bargaining unit.

HR Florida's Position – Oppose

HR Florida believes individual employers are in the best position to determine if a labor organization no longer represents their workforce and can bring that to the attention of PERC through already existing procedures. This legislation appears to be unnecessary and overreaching.

HB 443 – E-Verify in Florida

Requires employers to utilize E-Verify. Failure to comply could result in loss of business license. An employer's business license would be suspended if they knowingly employed an unauthorized alien.

HR Florida's Position – Oppose

HR Florida believes the federal government and not the state is best equipped to regulate this arena and is already doing so. We are also concerned about the impact on small, unsophisticated employers, exceptions needed for employees on visas whose eligibility cannot be verified through E-Verify, and the automatic loss of licenses without the opportunity for a hearing.

SB 1158 – Regulation of Commerce, Trade and Labor

HB 17 – Regulation of Business

Reserves to the state the exclusive right to regulate businesses and labor. Prohibits counties, municipalities and special districts from passing laws regulating business and labor.

HR Florida's Position – Supports

HR Florida supports this legislation as we believe uniform requirements for all employers and employees throughout the state are in the best interests of Florida business and our economy.