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2018 WORKPLACE LEGISLATION

Minimum Wage

SB 166 & HB 1441– Minimum Wage [Sen. Jose Javier Rodriguez (Miami-Dade – Dist. 37) & Rep. Al Jacquet (Palm Beach - Dist. 88)]

In addition to the rate of inflation adjustment, increases minimum wage by \$1 on September 30, 2018 and by \$1.50 each September 30 thereafter through 2022.

HR Florida’s Position: While HR Florida does not oppose an increase in the minimum wage, the proposed legislation is too much, too fast. In addition, it does not provide for an annual review to determine what impact additional increases may have on the economy prior to implementation. For these reasons, we oppose the legislation as written.

2/13/18 Update: In House committee since 1/12/18 – no movement in the Senate

Laws Relating to Employment Discrimination

SB 594 & HB 393 – Helen Gordon Davis Fair Pay Protection Act [Sen. Linda Stewart (Orange – Dist. 13) & Reps. Lori Berman (Palm Beach – Dist. 90), Joseph Abruzzo (Palm Beach – Dist. 81), Tracie Davis (Duval – Dist. 13), Joseph Geller (Broward & Miami-Dade – Dist. 100), Amy Mercado (Orange – Dist. 48) and Carlos Smith (Orange – Dist. 49)]

Revises an existing law (§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 an employee’s discussing wages, inquiring about wages and encouraging others to exercise rights under the law; and pre-employment inquiries by employers relating to an applicant’s prior wages and benefits. Further, the bills create civil penalties for violations.

HR Florida's Position: HR Florida supports legislation promoting equal pay and including gender identity. HR Florida is concerned, however, that the proposed bill implicitly creates a private cause of action. Further, we are concerned about the limitations placed on an employer's ability to use information from inquiries as to prior wage history; as such information is often valuable in the hiring process.

2/13/18 Update: No movement in the House or Senate

SB 300 & HB 307 – Whistleblower & Florida Civil Rights Act Amendments [Sen. Darryl Ervin Rouson (Hillsborough & Pinellas – Dist. 19) & Rep. Bruce Antone (Orange – Dist. 46)]

Amends public sector Whistleblower Protection Act (Ch. 112) to increase time limit for filing complaints from 60 to 365 days and amends the Florida Civil Rights Act to codify rule that actions for discrimination must be commenced within four years after the alleged discriminatory act.

HR Florida's Position: HR Florida opposes this legislation as we believe 60 days is ample time for an employee to file a whistleblower complaint and the statute of limitations for claims under the Florida Civil Rights Act should mirror that under federal law (i.e., within 90 days after the receipt of a right to sue notice).

2/13/18 Update: Senate made revisions to the times proposed, deleting the extension to 365 days and adjusted other timeline dates. Judiciary committee approved 2/13/18; No movement in the House.

HB 225 & SB 1828 – Discrimination Against Employees Who Evacuate [Reps. Tracie Davis (Duval – Dist. 13), John Cortes (Osceola – Dist. 43) and Evan Jenne (Broward – Dist. 99)]

Prohibits employers from taking retaliatory action against employees who leave their place of employment to evacuate under an emergency evacuation order and return within 14 days. Excludes law enforcement personnel, firefighters, EMTs and paramedics and other employees who are expected to provide emergency services to the public. Permits a civil action for an injunction, back pay, compensatory damages, attorneys' fees and costs.

HR Florida's Position: HR Florida opposes this legislation as it is too broad. HR Florida believes that 14 days from the date of evacuation is extreme and employees may take advantage of this policy. HR Florida is open to providing input on a new bill next year.

2/13/18 Update: In Senate committee 2/5/18 but no votes; No movement in the House

SB 698, 66 & HB 347- Sexual Orientation and Gender Identity Discrimination [Sen. Lauren Book (Broward- Dist. 33), Sen. Jose Javier Rodriguez (Miami-Dade- Dist. 37), Sen. Darryl Ervin Rouson (Hillsborough – Dist. 19) & Rep. Ben Diamond (Pinellas- Dist. 68), Rene Plasencia (Orange- Dist. 49)]

Creating the “Florida Competitive Workforce Act” and adding sexual orientation and gender identity as impermissible grounds for discrimination in public lodging establishments, public food service establishments, sale or rental of housing, provision of brokerage services, financing of housing or in residential real estate transactions and land use and permitting decisions.

HR Florida’s Position: HR Florida takes no position on this legislation.

2/13/18 Update: No movement in the House or Senate

Background Screening

SB 798 & HB 1223 – Background Screening (a/k/a “Ban the Box”) [Sen. Oscar Braynon II (Parts of Broward and Miami Dade - Dist. 35)]

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. Excludes: jobs where federal, state or local law require consideration of criminal history; law enforcement; criminal justice; and, volunteers.

HR Florida’s Position: HR Florida is opposed to this legislation as it impairs an employer’s ability to obtain information on an employee’s background until after a conditional offer of employment is made. HR Florida is open to providing input on a new bill next year.

2/13/18 Update: No movement in the House or Senate

HB 433 – Background Screening (a/k/a “Ban the Box”) [Rep. Patrick Henry (Volusia – Dist. 26)]

Prohibits employers from inquiring into an applicant’s criminal history on an employment application. Permits an inquiry only after the employer determines the applicant meets the minimum requirements for the job. There are no exclusions for specific types of jobs.

HR Florida’s Position: HR Florida takes no position on this legislation. HR Florida is open to providing input on a new bill next year.

2/13/18 Update: No movement in the House or Senate

SB 702 – Background Screening by Public Employers and Postsecondary Educational Institutions [Sen. Gary Farmer (Broward – Dist. 34)]

Unless otherwise required by law, prohibits public employers from inquiring into or considering an applicant’s criminal history on an employment application. Prohibits postsecondary educational institutions from inquiring into or considering the criminal history of an applicant seeking admission.

HR Florida’s Position: HR Florida takes no position on this legislation. HR Florida is open to providing input on a new bill next year.

2/13/18 Update: No movement in the Senate. No House bill.

Tax Credits for Hiring

SB 318 & HB 49 – Internship Tax Credit [Sen. Bobby Powell (Palm Beach – Dist. 30) & Rep. Shevrin Jones (Broward – Dist. 101), Ramon Alexander (Gadsden & Leon – Dist. 8), John Cortes (Osceola – Dist. 43), Al Jacquet (Palm Beach – Dist. 88), Sean Shaw (Hillsborough – Dist. 61), Emily Slosberg (Palm Beach – Dist. 91), Matt Willhite (Palm Beach – Dist. 86)]

Provides a tax credit of at least \$2,000 to employers hiring degree-seeking students as interns.

HR Florida's Position: HR Florida is neutral as to the proposed legislation. HR Florida is open to discussing a new bill next year, which seeks to include degree-seeking students from all schools.

2/13/18 Update: No movement in the House or Senate.

Solicitation of Charitable Contributions

SB 950 & HB 651 – State Employment [Sen. Debbie Mayfield (Brevard & Indian River – Dist. 17) & Rep. Clay Yarborough (Duval – Dist. 12)]

Prohibits solicitation of charitable contributions within work hours in working areas. Does not prohibit non-coercive communications between employees or (in Senate Bill), solicitation at authorized public events in non-work areas.

HR Florida's Position: HR Florida opposes this legislation as employees are a major source of funding for non-profits and they should have the option of contributing.

2/13/18 Update: Passed in the House 1/31/18 100-13; 2nd reading in the Senate 2/1/18 – passed in several committees

Labor Organizations

SB 1036 & HB 25 – Labor Organizations [Sen. Greg Steube (Sarasota & Charlotte – Dist. 23) & Rep. Scott Plakon (Seminole – Dist. 29)]

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. Organizations failing to comply may have their certification revoked.

HR Florida's Position: HR Florida supports this legislation as it holds it helps to ensure that labor organizations adequately represent their workforce.

2/13/18 Update: House passed 65-41 1/25/18; No movement in the Senate.

Employee Leasing Companies

SB 1098 & HB 923 – Employee Leasing Companies [Sen. Perry Thurston, Jr. (Broward – Dist. 33) & Rep. Newt Newton (Hillsborough, Manatee, Pinellas & Sarasota – Dist. 70)]

Revises employee leasing company contractual arrangements with client companies and provides that DBPR may make investigations, audits, or reviews of an employee leasing company at request of a client company.

HR Florida's Position: While HR Florida supports the exchange of information between a leasing company and client company, HR Florida opposes this legislation with respect to the provisions related to termination of employees.

2/13/18 Update: No movement in Senate or House.