The following information has been provided by HR Florida State Council/ Government & Legislative Affairs:

2016 Employment Related Legislation

SCR 74 (Senator Joyner and Concurrent Senate Resolution) & HCR 8001 (Representative Berman and Concurrent House Resolution): Equal Rights for Men and Women

Ratifying the proposed amendment to the Constitution of the United States relating to equal rights for men and women, etc.

HR Florida supports adoption of these continuing resolutions.

SB 6 (Senator Bullard) & HB 109 (Representatives Torres and Rogers): State Minimum Wage

Increasing the state minimum wage to $15.00; prohibiting an employer from paying an employee at a rate less than the state minimum wage; deleting the requirement that only individuals entitled to receive the federal minimum wage are eligible to receive the state minimum wage, etc.

HR Florida is not opposed to an increase in minimum wage, but believes an increase to $15, as opposed to an incremental increase, would have an adverse impact on Florida's businesses and economy.

SB 120 (Senator Abruzzo) & HB 45 (Representative Raschein): Prohibited Discrimination

Revising the Florida Civil Rights Act to include sexual orientation and gender identity or expression as protected characteristics. Also prohibits discrimination based on perceived race, color, religion, sex, national origin, age, sexual orientation, gender identity or expression, handicap, or marital status.

HR Florida supports an amendment to the Civil Rights Act to prohibit discrimination on the basis of sexual orientation and gender identity or expression. However, because the proposed bills include language which prohibits discrimination based on perceived characteristics and our concern that this will result in meritless claims against employers, we oppose the bills as written.

SB 186 (Commerce and Tourism and Senator Clemens) & HB 635 (Representative Dudley): Social Media Privacy

Prohibiting an employer from requesting or requiring access to a social media account of an employee or prospective employee under certain circumstances; prohibiting an employer from taking retaliatory personnel action for an employee's refusal to allow access to his or her social media account; authorizing civil action for a violation; specifying that an employer is not

prohibited from seeking access to social media accounts used primarily for the employer's business purposes, etc.

HR Florida opposes this legislation.

SB 188 (Senator Braynon) & HB 737 (Representative Stafford): Unemployment Compensation

Victims of domestic violence will not be disqualified from receiving benefits if they leave work voluntarily.

HR Florida supports victims being able to obtain unemployment benefits if they must resign their employment due to domestic violence.

SB294 (Senator Thompson) & HB 205 (Representative Williams, A.): Florida Healthy Working Families Act ("Mini FMLA") – Oppose (Most employers offer paid sick or PTO leave now and to mandate paid leave will make it difficult for start- up companies in Florida)

Requiring employers to provide sick and safe leave to employees and creating a complaint procedure, plus a civil cause of action for damages and fees in the event of a violation. Employers of more than nine employees must provide *paid* sick and safe leave, employers of nine or fewer employees must provide unpaid sick and safe leave. Employees earn one hour of leave for every 30 hours worked, to a maximum of 56 hours in one year. No more than 80 hours can be used in one year. Leave may be taken for the employee's own physical or mental condition, to obtain medical care, to care for an ill family member, if work or school is closed due to a public health emergency and for domestic violence (and resulting treatment or legal matters).

HR Florida opposes this legislation due to the impact it would have on small businesses and non-profit entities, the lack of any qualifying period (i.e., minimum length of employment prior to eligibility) and the lack of any certification required to establish the need for taking leave.

Status Update: SB 294 was defeated in the Senate Commerce Committee – January 25, 2016

SB 328 (Senator Altman) & HB537 (Representatives Perry, Baxley, Berman, Cortes, J., Costello, Edwards, Fant, Remer, Slosberg, Stark and VanZant): Texting While Driving

Revising penalties for violations of the Florida Ban on Texting While Driving Law, to remove requirement that provisions be enforced as secondary action by law enforcement.

HR Florida opposes the legislation as written, but would support a bill which would be limited to texting while a vehicle is in motion and/or when transporting passengers. (Note: Federal regulations prohibit texting while driving commercial vehicles except when necessary to

communicate with law enforcement or other emergency services. We would support similar legislation in Florida.)

SB 384 (Senator Bullard) & HB 603 (Representative Cruz): Paid FMLA/Bonding Leave & Unpaid Pregnancy Leave

Requires up to six weeks of paid family care leave to bond with a new child during the year after birth, adoption or placement. Leave would run concurrent with FMLA leave. Includes notice requirements and prohibition against adverse action for taking leave. Provides complaint procedure through the Department of Economic Opportunity. Creates a civil cause of action for amount of paid leave, actual economic damages and treble damages (paid leave, plus economic damages times three), attorney's fees and costs. Also provides for a civil penalty of $1,000 per violation.

Amends the Florida Civil Rights Act making it an unlawful employment practice for employers to deny female employees disabled by pregnancy, childbirth or related medical conditions to take up to four months of job protected unpaid leave. Health insurance must be maintained during such leave on same basis it was provided prior to the leave. Also requires reasonable accommodation (other than leave) for female employees disabled by pregnancy, childbirth or related medical conditions.

HR Florida opposes this legislation due to the impact it would have on small businesses and non-profit entities, the lack of any qualifying period (i.e., minimum length of employment prior to eligibility) and the lack of any certification required to establish the need for taking leave.

SB 448 (Senator Clemens) & HB353 (Representative Powell): Discrimination in Employment Screening ("Ban the Box")

Prohibiting an employer from inquiring into or considering an applicant's criminal history on an initial employment application unless required to do so by law, etc.

HR Florida generally favors legislation prohibiting such inquiries on an initial application, but opposes the proposed bills because they do not contain exceptions for entities required to ensure those they employ do not have criminal histories such as law enforcement, health care and child care.

SB 454 (Senator Joyner) & HB 7 (Representative Cruz): Employment Discrimination

Creating the Helen Gordon Davis Fair Pay Protection Act; recognizing the importance of the Department of Economic Opportunity and the Florida Commission on Human Relations in ensuring fair pay; creating the Governor's Recognition Award for Pay Equity in the Workplace; requiring that the award be given annually to employers in this state which have engaged in activities that eliminate barriers to equal pay for equal work for women, etc.

HR Florida supports legislation promoting equal pay, but is concerned that the proposed bill implicitly creates a private cause of action. For this reason, unless amended to clarify the fact that no new causes of action are being created, we oppose the legislation as written.

SB 852 (Senator Brandes) & HB 1183 (Representative Wood)(Related HB 1313): Medical Marijuana

Permits the cultivation, sale, purchase, possession and use of medical marijuana.

HR Florida opposes this legislation because it fails to address how use of medical marijuana may impact the workplace and enforcement of a drug-free workplace policy.

SB 1024 (Senator Bullard) & HB 619 (Representative Stafford): Employment of Felons

Provides a local business tax credit for employment of persons previously convicted of a felony.

HR Florida opposes the legislation because, as written, it contains too may exceptions and would not create the intended incentive in hiring.

SB 1154 (Senator Bradley) & HB 771 (Representative Renner): Drug Free Workplaces

Revises Florida's Drug Free Workplace Act with respect to required policy statement, frequency of follow up testing, specimen collection/verification procedures and requirements for confirmation testing.

HR Florida supports this legislation.

SB 1648 (Senator Lee) & HB 1399 (Representative Raulerson): Public Sector Whistleblower Protection Act

Amends existing law to prohibit retaliation when an employee "reasonably suspects" and reports acts of gross mismanagement, gross malfeasance, gross misfeasance, gross misconduct, gross waste of public funds, Medicaid fraud and/or gross neglect of duty. Also expands protection to employees of independent contractors of the state. Permits a civil action or complaint to be filed with the Public Employee Relations Commission if the Florida Commission on Human Relations does not issue a determination on a complaint within 180 days.

HR Florida opposes this legislation as, without any evidence that additional protections are needed, it seeks to broaden the definition of whistleblowing and creates additional causes of action which may be pursued by applicants and employees. It also expands protection to persons who are not employed by public agencies, but are employed by independent contractors of the State. Such persons already have protection under Florida's Private Sector Whistleblower Protection Act.

SB 1672 (Senator Evers) & HB 1109 (Representative Van Zant): Limiting Salaries of Employees of Not-For-Profit Organizations

Provides that an employee of a not-for-profit organization that receives a portion of its budget from the state cannot be compensated at a rate higher than the amount paid to the highest paid secretary, department director or supervisor of a comparable state agency who supervises a similar number of employees unless the organization obtains approval from the Legislative Budget Commission.

HR Florida opposes this legislation. While we support not-for-profit organizations using appropriate discretion in compensating their employees, we do not believe salaries of non-governmental entities should be capped by the state, even where state funds are received by such entities.

HB 1143 (Representative Harrison): Florida Clean Indoor Air Act

Revises the definition of “smoking” to include nicotine dispensing devices.

HR Florida supports this legislation.