



# Employment Update

Keeping You Informed About Employment Matters

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## 2015 Florida Legislative Session Update



By Christopher B. Lunny and Ted Prekop

With the 2015 Florida Legislative Session rapidly approaching, Florida employers should note some proposed legislation directed at the workplace. As of this week, the following employment related bills have been filed: HB 33/SB 156 – Prohibited Discrimination, HB 25/SB 98 – Employment Discrimination, HB 47/SB 114 – State Minimum Wage, SB 126 – Social Media Privacy and SB 214 – Employment Screening. Below is a quick summary of each bill:

**HB 33/SB 156 – Prohibited Discrimination (Raschein – D; Edwards – D; Hager – R; Jenne – D; Jones, S. – D; Moskowitz – D; Richardson – D; Stark – D; Abruzzo – D)**

HB 33/SB 156 is the one to watch in 2015. The bill, which has been filed in the House and Senate, has bipartisan support and is expected to receive much debate. The proposed legislation would broaden statutory prohibitions on discrimination to include “sexual orientation, gender identity or expression.” In addition, the legislation would expand Florida’s prohibition to include discrimination “on the basis of or based on the perception of race, color, religion . . . .” (emphasis added). While a ban on discrimination against LGBT Floridians has support, industry and advocacy groups will focus upon the bill’s reference to discrimination based upon “perception.”

**HB 25/SB 98 – Employment Discrimination (Cruz – D; Richardson – D; Joyner – D)**

HB/SB 98 would provide the Florida Department of Economic Opportunity and the Florida Commission on

Human Relations with additional duties relating to equal pay for women. These duties include conducting studies to assess any pay gap between men and women, ensuring that companies receiving state contracts comply with antidiscrimination and affirmative action requirements, as well as some educational or outreach measures.

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**HB 47/SB 114 – State Minimum Wage (Stafford – D; Cortes, J. – D; Bullard – D)**

HB 47/SB 114 would raise Florida’s minimum wage from \$6.15 per hour to \$10.10 per hour as of January 1, 2016 for all Floridians. At present, Florida’s minimum wage requirement is tied to the federal minimum wage; it only applies to employers that are subject to the federal minimum wage. The proposed legislation, however, would unbundle these laws and expand the reach of Florida’s minimum wage requirement.

**SB 126 – Social Media Privacy (Clemens – D; Latvala – R)**

SB 126 would prevent employers from taking any action to gain access to an employee or applicant’s social media accounts. The bill would also create a new statutory civil action for employees against employers that violate the prohibition and includes a claim for attorney’s fees.

**SB 214 – Employment Screening (Clemens – D)**

SB 214 would prevent employers from inquiring about an applicant’s criminal history in a job application form. Instead, employers could only consider an applicant’s criminal history after the employer determined that the applicant meets the minimum qualifications for the position to be filled.

If you have any questions regarding the above-mentioned bills or any other employment related legislation, please contact our office at (850) 425-6654.

*This article is meant to provide a brief overview and points of discussion regarding employment and labor law topics. Should a particular issue arise or should you desire additional consultation to protect your firm, the advice of a competent counsel should be sought.*