



# Florida Pay Equity

## Statute

- Wage Rate Discrimination Based on Sex Prohibited, Fla. Stat. Ann. § 448.07

## Classes protected

- Sex

## Key language on pay discrimination

- “No employer shall discriminate between employees on the basis of sex by paying wages to employees at a rate less than the rate at which he or she pays wages to employees of the opposite sex for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions[.]”
- “An employer may not provide a less favorable employment opportunity to an employee based on the employee’s sex or pay the employee at a rate less than the rate the employer pays to an employee of the opposite sex for substantially similar work on a job the performance of which requires equal skill, effort, and responsibility, and which is performed under similar working conditions”

## Exceptions for pay disparities (including affirmative defenses)

- Seniority system
- Merit system
- System which measures earnings by quantity or quality of production
- A differential based on any reasonable factor other than sex when exercised in good faith

## Anti-Retaliation

- An employer may not retaliate against an employee who: (i) discusses or discloses their wages; (ii) inquires about the wages of another employee; (iii) discusses another employee's wages; (iv) requests that the employer provide a reason for the amount of their wages; or (v) testifies or participates in an investigation or proceeding based on salary history.”

## Other key provisions

- Does not apply to employers covered by the FLSA to the extent the FLSA preempts claims under Section 448.07.

## ***Pay Equity Team***

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