

JUNE 2018

An Agenda for Florida's Workers, 2018-2019

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An Agenda for Florida's Workers 2018-2019

**PROMOTING GOOD JOBS WITH FAIR PAY
AND SAFE WORKPLACES FOR THE STATE'S
EIGHT MILLION WORKERS.**

It has been years since Florida's workers have had an ally in the governor's mansion. While the economy has been growing under Rick Scott, pay has been flat and living costs have been rising, leaving millions of families just a missed paycheck away from economic crisis. Those who have been underpaid, injured on the job or laid off—even after a natural disaster—have been left stranded by the state's broken systems. Florida's working families deserve a governor who will fight for them by promoting good jobs with fair pay and safe workplaces for the state's eight million workers.

1. BACK A REAL MINIMUM WAGE

Workers earning Florida's minimum wage of \$8.25 an hour make barely \$17,000 a year. That's not enough to cover the basics anywhere in the state, forcing many workers to rely on taxpayer-funded programs like food stamps to get by. But the legislature is a roadblock to any action to raise the state wage. That's why Florida's next governor should strongly back the [proposed 2020 \\$15 minimum wage ballot initiative](#), which gives voters the chance to update Florida's constitution to raise the minimum wage to \$15 by 2026. Voters overwhelmingly approved the 2004 ballot initiative that established the state's minimum wage, and polls show they favor bold action to raise pay statewide again.

2. EMPOWER LOCAL COMMUNITIES BY FIGHTING PREEMPTION

State lawmakers have stood in the way of real reform for too long. Not only have they refused to raise the minimum wage, guarantee paid sick days, or help communities respond to climate change, but

when cities and counties have tried to step in to meet these vital needs, [the legislature has again and again acted to block local solutions](#). Florida's next governor should pledge to share power with local communities that are leading the way in acting to protect workers, consumers, and the environment. The next governor should pledge to veto any attempts by the legislature to further limit local power, and should work with the attorney general to assess whether the existing blocks on local power go too far and should no longer be enforced, or should be challenged in court.

3.

GET THE STATE BACK IN THE BUSINESS OF FIGHTING WAGE THEFT AND ENFORCING OTHER WORKER PROTECTIONS

Since [Jeb Bush dismantled Florida's Department of Labor](#), state government has been missing in the fight to protect the rights of the state's eight million workers against wage theft and other abuses by unscrupulous employers. The Department of Economic Opportunity (DEO) has no wage enforcement division, and under Pam Bondi, the Attorney General's Office has brought [virtually no criminal wage enforcement actions since 2011](#). The next governor should work with the attorney general to rebuild a wage enforcement program so that exploited workers will have a place to turn when they can't afford a lawyer and to protect businesses that play by the rules from being undercut by those that don't. As part of this effort, DEO should issue new regulations clarifying and strengthening Florida's minimum wage and wage enforcement rules, including the protections against employers retaliating against workers who assert their rights to get paid what they're owed. And the next governor should propose legislation to strengthen the state's inadequate penalties for employers that break the law, including those that retaliate against workers trying to enforce their rights.

4.

REPAIR THE STATE'S WORST-IN-THE-NATION UNEMPLOYMENT INSURANCE SYSTEM TO PREPARE FOR THE NEXT MAJOR DISASTER AND THE NEXT RECESSION

After Hurricane Irma left at least a hundred thousand workers and small business owners unemployed and without incomes—many for weeks or months—[the Scott administration botched the job of delivering Disaster Unemployment Assistance, getting out less help than any Florida governor in thirty years](#). That wasn't surprising since Governor Scott also made Florida's unemployment insurance system the [stingiest of all fifty states](#). The next governor should modernize the state's unemployment program to serve the hard-working families who become unemployed through no fault of their own. This should start with creating a fully accessible and functioning application system with in-person, on-line, and phone options for both regular UI claims as well as for Disaster Unemployment Assistance after events like hurricanes. In addition, the governor and the legislature should push to restore the maximum duration of benefits to 26 weeks (the standard many states follow, and that Florida used to have until under Rick Scott it slashed benefits to just 12 weeks), and expand eligibility to cover more low-wage, part-time, and women workers.

5

EXPAND JOB OPPORTUNITIES FOR PEOPLE WITH RECORDS BY ADOPTING "BAN THE BOX" AND FAIR CHANCE LICENSING

[Over a dozen Florida cities and 32 states, including Georgia, Kentucky, Louisiana, North Carolina, Tennessee, and Virginia](#), have adopted "ban the box" policies to open up job opportunities in state and local government for people with arrest or conviction records and set an example for private sector employers. Florida's new governor should join them by issuing an executive order adopting this reform for all state hiring. And she or he should push for legislation to extend this best practice to the private sector, as more and more cities and states are doing. Finally, the governor should order a review of the state's occupational licensing laws and government policies for unnecessary criminal background check restrictions and work to eliminate those that limit qualified people with irrelevant records from fairly competing for jobs in their chosen professions.

6.

PROTECT IMMIGRANT WORKERS

[Investigative reports](#) have exposed how employers are hiring undocumented immigrants for dangerous jobs in industries like construction. Then, if they get hurt, abusive insurance companies are trying to dodge having to pay for the injured workers' legally required medical care and lost wages under workers comp' by calling Immigration and Customs Enforcement (ICE) to have the workers deported. A loophole buried in Florida's workers comp law allows this to happen. The next governor and the legislature should push through [legislation to ban this unconscionable practice](#) as part of reforming Florida's workers' comp system.

Another shortsighted, anti-immigrant proposal in Tallahassee would obstruct the ability of local governments to promote civil rights and public safety in their communities by forcing them to cooperate with federal immigration authorities. As [local sheriffs who oppose this measure have explained](#), it would seriously compromise public safety by eroding immigrant communities' trust in law enforcement and opening police departments up to costly and wasteful litigation. Fortunately, this measure stalled in the legislature this year. The next governor and the legislature should continue to fight such [dangerous proposals](#).

7.

REBUILD THE WORKERS COMP SYSTEM AND PROTECT WORKERS' HEALTH AND SAFETY

As Florida's economy has modernized, its protections for worker health and safety have lagged far behind. For example, Florida's workers' comp system, the state's chief source of support for workers injured on the job, is one of the nation's worst. Its protections are so meager that in 2016 the Florida Supreme Court in two separate cases struck down its rock-bottom limits on benefits for temporarily totally disabled workers, and on fees for attorneys representing workers. The next governor and the

legislature should champion new legislation to fix these problems and provide for adequate benefits to make Florida's workers comp' system a real safety net for injured workers.

Similarly, exposure to toxic chemicals and to sun and heat made worse by climate change all pose serious threats to those who work outside in Florida, especially the farmworkers who harvest our food each day. But the state has no program to educate employers and workers about these risks and about the best practices for protecting against them. The next governor should launch a multi-pronged program that includes a heat illness prevention campaign to educate employers about the need for "water, rest, and shade" to protect farmworkers from rising temperatures; a grant program for worker education; occupational health clinics to help injured workers seek treatment and workers' comp benefits; protections for farmworkers against pesticides; and a proactive collaboration with federal OSHA to document problems and advocate for stronger enforcement.

8.

DEFEND THE RIGHT TO ORGANIZE AND PROMOTE GOOD JOBS FOR PUBLIC SERVANTS LIKE TEACHERS, AIRPORT WORKERS, AND COMMUNITY COLLEGE INSTRUCTORS

Today the state and local workers who deliver the vital services on which our communities rely are under attack. Both the legislature and Donald Trump's federal courts are actively stripping them of their ability to organize and bargain for decent jobs. Florida's families need a governor who will defend the right to organize and push for improving the jobs of the workers who deliver our vital public services but who today struggle to afford the basics for their families. For example, teachers are vital to the state's economy and our children's future. But with [teacher salaries in Florida among the lowest of the 50 states](#), many teachers simply cannot afford to live in the districts where they teach, causing an acute teacher shortage that's threatening our education system. Similarly, public facilities like the state's airports are today generating tens of thousands of poverty wage jobs. That both hurts working families and promotes workforce instability, [undermining security at these vital transit hubs](#). Miami-Dade has started to turn its airport around by raising pay and benefits for airport workers. The next governor should encourage all of the state's airports to become engines for good job growth, [as more and more U.S. cities are doing](#). Other public employees such as instructors at the state's community colleges—a vital link in the state's workforce system—similarly struggle on poverty wages. The next governor should support these workers as they organize and fight for decent pay and benefits.

9.

CRACK DOWN ON SEXUAL HARASSMENT, GUARANTEE EQUAL PAY AND PROTECT LGBTQ FLORIDIANS

This past year the #Metoo movement has exposed the pervasiveness of sexual harassment and assault, [including in Tallahassee](#). But shamefully the state senate balked at passing [SB 1628](#), which would have strengthened protections against harassment in state and local government. The new governor should push the legislature to pass such reform next year. She or he should also back the [Helen Gordon Davis Fair Pay Protection Act](#), which would strengthen protections against sex discrimination and promote equal pay in the private sector. And the next governor should champion the [Florida Competitive Workforce Act](#), which would finally prohibit discrimination against LGBTQ

Floridians and ensure that Florida is a safe place to live, work, and play for all people, including those who are LGBTQ. Florida leads the South in bipartisan support for common sense non-discrimination legislation and should work to pass this trio of essential protections next year.

10

STAND UP FOR WORKERS FIGHTING SEXUAL HARASSMENT AND WAGE THEFT BY DISCOURAGING FORCED ARBITRATION

The #MeToo movement has also highlighted how workers facing sexual harassment, wage theft and other abuses are increasingly blocked from effectively enforcing their rights. More than [60 million U.S. workers in sectors ranging from media to retail to restaurants](#) are forced to waive their right to bring sex harassment or wage theft claims in court and instead must pursue them through private arbitration. This employer-dominated process, where settlements are secret and workers are barred from joining together to seek relief as a group, allows years of abusive treatment to remain hidden. Facing growing public outrage, some major employers are dropping this practice. But many aren't—and [the U.S. Supreme recently weighed in against workers, overturning limits on forced](#) arbitration.

To her credit, [Florida Attorney General Pam Bondi helped lead a bipartisan group of all 50 state attorneys general](#) in calling for an end to forced arbitration for sex harassment claims. But [the problem extends beyond just sex harassment and equally prevents workers who have been cheated out of their paychecks](#) from seeking justice. Florida's next governor and next attorney general should discourage this abusive practice by announcing that the attorney general and state enforcement agencies, like the Florida Commission on Human Relations, will give special scrutiny to companies that impose forced arbitration on their workers. And since companies that impose forced arbitration pose a greater risk of breaking the law, the governor should instruct state agencies to ask companies seeking state contracts to certify whether they impose forced arbitration on their workforces and discourage agencies from doing business with those that do."

11.

OPPOSE REQUIRING A SUPER-MAJORITY OF THE LEGISLATURE TO RAISE REVENUE

The legislature has placed a proposed constitutional amendment ([Florida Amendment 5](#)) on the November 2018 election ballot that, if approved by 60% of voters, would require a two-thirds vote by the legislature for all future tax increases, no matter how small. This short-sighted proposal would effectively lock Florida into its current regressive system where 78% of state revenue comes from the sales and gross receipts tax—which falls heavily on working families. It would make it very difficult for lawmakers to add more progressive revenue sources, such as a modest tax on millionaires, to help pay for crucial investments in education, healthcare, infrastructure, and the environment. Gubernatorial and legislative candidates should oppose this regressive proposal.

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