

1                                   A bill to be entitled  
 2           An act relating to employee wage and salary history;  
 3           creating s. 112.0445, F.S.; providing definitions;  
 4           prohibiting a public employer or employment agency  
 5           from engaging in certain activities relating to wages  
 6           and benefits; providing applicability; authorizing a  
 7           public employer or employment agency to confirm wage  
 8           or salary history under certain conditions; creating  
 9           s. 448.111, F.S.; prohibiting an employer from  
 10          engaging in certain activities relating to wages and  
 11          benefits; providing applicability; authorizing an  
 12          employer to confirm wage or salary history under  
 13          certain conditions; providing an effective date.

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 15   Be It Enacted by the Legislature of the State of Florida:

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 17           Section 1.   Section 112.0445, Florida Statutes, is created  
 18   to read:

19           112.0445 Prohibited public employer activities related to  
 20   wages and salary.-

21           (1) For purposes of this section, the term:

22           (a) "Employee" has the same meaning as in s.  
 23   112.044(2)(c).

24           (b) "Employer" means the state or any county,  
 25   municipality, or special district or any subdivision or agency

26 thereof.

27 (c) "Employment agency" has the same meaning as in s.  
28 112.044(2)(b).

29 (2) An employer or employment agency may not:

30 (a) Orally or in writing seek, request, or require the  
31 wage or salary history from a current, former, or prospective  
32 employee as a condition of being interviewed, as a condition of  
33 continuing to be considered for an offer of employment, or as a  
34 condition of employment or promotion.

35 (b) Orally or in writing seek, request, or require the  
36 wage or salary history of a current, former, or prospective  
37 employee from a current or former employer except as provided in  
38 subsection (4).

39 (c) Retaliate against or refuse to interview, hire,  
40 promote, or otherwise employ a current, former, or prospective  
41 employee:

42 1. Because the current, former, or prospective employee  
43 did not provide wage or salary history in accordance with this  
44 section.

45 2. Because the current, former, or prospective employee  
46 filed a complaint alleging a violation of this section.

47 (3) This section does not prevent a current, former, or  
48 prospective employee from voluntarily disclosing wage or salary  
49 history, including, but not limited to, for the purposes of  
50 negotiating wages or salary.

51       (4) An employer or employment agency may confirm wage or  
52 salary history only if, at the time an offer of employment with  
53 compensation is made, the prospective employee responds to the  
54 offer by providing prior wage information to support a wage  
55 higher than that offered by the employer or employment agency.

56       Section 2. Section 448.111, Florida Statutes, is created  
57 to read:

58       448.111 Prohibited employer activities related to wages  
59 and salary.—

60       (1) An employer may not:

61       (a) Orally or in writing seek, request, or require the  
62 wage or salary history from a current, former, or prospective  
63 employee as a condition of being interviewed, as a condition of  
64 continuing to be considered for an offer of employment, or as a  
65 condition of employment or promotion.

66       (b) Orally or in writing seek, request, or require the  
67 wage or salary history of a current, former, or prospective  
68 employee from a current or former employer except as provided in  
69 subsection (3).

70       (c) Retaliate against or refuse to interview, hire,  
71 promote, or otherwise employ a current, former, or prospective  
72 employee:

73       1. Because the current, former, or prospective employee  
74 did not provide wage or salary history in accordance with this  
75 section.

76        2. Because the current, former, or prospective employee  
77 filed a complaint alleging a violation of this section.

78        (2) This section does not prevent a current, former, or  
79 prospective employee from voluntarily disclosing wage or salary  
80 history, including, but not limited to, for the purposes of  
81 negotiating wages or salary.

82        (3) An employer may confirm wage or salary history only  
83 if, at the time an offer of employment with compensation is  
84 made, the prospective employee responds to the offer by  
85 providing prior wage information to support a wage higher than  
86 that offered by the employer.

87        Section 3. This act shall take effect July 1, 2021.