

By Senator Book

32-00534-22

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1 A bill to be entitled
2 An act relating to employment protections; amending s.
3 110.221, F.S.; authorizing parental leave for state
4 employees in the Career Service System who have a
5 stillborn child; creating s. 112.0445, F.S.; defining
6 terms; prohibiting a public employer or an employment
7 agency from engaging in certain activities relating to
8 wages and salary; providing applicability; authorizing
9 a public employer or an employment agency to confirm a
10 prospective employee's wage or salary history under
11 certain conditions; creating s. 448.111, F.S.;
12 prohibiting an employer from engaging in certain
13 activities relating to wages and salary; providing
14 applicability; authorizing an employer to confirm a
15 prospective employee's wage or salary history under
16 certain conditions; providing an effective date.

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

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20 Section 1. Subsection (4) is added to section 110.221,
21 Florida Statutes, to read:

22 110.221 Parental or family medical leave.—

23 (4) An employee is entitled to the parental leave
24 protections provided in subsections (2) and (3) if the birth of
25 the employee's child resulted in a stillbirth, as that term is
26 defined in s. 382.002.

27 Section 2. Section 112.0445, Florida Statutes, is created
28 to read:

29 112.0445 Prohibited public employer activities related to

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30 wages and salary.-

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

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

33 (b) "Employer" means the state or any county, municipality,
34 or special district or any subdivision or agency thereof.

35 (c) "Employment agency" has the same meaning as in s.
36 112.044(2)(b).

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

38 (a) Seek, request, or require the wage or salary history
39 from a current, former, or prospective employee, orally or in
40 writing, as a condition of being interviewed, as a condition of
41 continuing to be considered for an offer of employment, or as a
42 condition of employment or promotion.

43 (b) Seek, request, or require the wage or salary history of
44 a current, former, or prospective employee, orally or in
45 writing, from a current or former employer except as provided in
46 subsection (4).

47 (c) Retaliate against or refuse to interview, hire,
48 promote, or otherwise employ a current, former, or prospective
49 employee:

50 1. Because the current, former, or prospective employee, in
51 accordance with this section, did not provide his or her wage or
52 salary history.

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

55 (3) This section does not prevent a current, former, or
56 prospective employee from voluntarily disclosing his or her wage
57 or salary history, including, but not limited to, for the
58 purposes of negotiating wages or salary.

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

64 Section 3. Section 448.111, Florida Statutes, is created to
65 read:

66 448.111 Prohibited employer activities related to wages and
67 salary.-

68 (1) An employer may not:

69 (a) Seek, request, or require the wage or salary history
70 from a current, former, or prospective employee, orally or in
71 writing, as a condition of being interviewed, as a condition of
72 continuing to be considered for an offer of employment, or as a
73 condition of employment or promotion.

74 (b) Seek, request, or require the wage or salary history of
75 a current, former, or prospective employee, orally or in
76 writing, from a current or former employer except as provided in
77 subsection (3).

78 (c) Retaliate against or refuse to interview, hire,
79 promote, or otherwise employ a current, former, or prospective
80 employee:

81 1. Because the current, former, or prospective employee, in
82 accordance with this section, did not provide his or her wage or
83 salary history.

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

86 (2) This section does not prevent a current, former, or
87 prospective employee from voluntarily disclosing his or her wage

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88 or salary history, including, but not limited to, for the
89 purposes of negotiating wages or salary.

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

95 Section 4. This act shall take effect July 1, 2022.