

By Senator Book

35-01043-23

2023576\_\_

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. 448.112, 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.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
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

35-01043-23

2023576\_\_

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.

35-01043-23

2023576\_\_

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 448.112, Florida Statutes, is created to  
65 read:

66       448.112 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

35-01043-23

2023576\_\_

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, 2023.