1 A bill to be entitled 2 An act relating to employee leave and wage and salary 3 history; amending s. 110.221, F.S.; authorizing 4 parental leave for state employees in the Career 5 Service System whose child is stillborn; creating s. 6 112.0445, F.S.; providing definitions; prohibiting a 7 public employer or an employment agency from engaging 8 in certain activities relating to wages and salary; 9 providing applicability; authorizing a public employer or an employment agency to confirm a prospective 10 11 employee's wage or salary history under certain conditions; amending s. 448.101, F.S.; revising 12 13 applicability; creating s. 448.112, F.S.; prohibiting a private employer from engaging in certain activities 14 relating to wages and salary; providing applicability; 15 16 authorizing a private employer to confirm a 17 prospective employee's wage or salary history under 18 certain conditions; providing an effective date. 19 20 Be It Enacted by the Legislature of the State of Florida: 21 22 Section 1. Subsection (4) is added to section 110.221, 23 Florida Statutes, to read: 24 110.221 Parental or family medical leave.-25 (4) A career service employee is entitled to the parental

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26	leave protections provided in subsections (2) and (3) if the					
27	birth of the employee's child resulted in a stillbirth, as that					
28	term is defined in s. 382.002.					
29	Section 2. Section 112.0445, Florida Statutes, is created					
30	to read:					
31	112.0445 Prohibited employer and employment agency					
32	activities related to wages and salary					
33	(1) For purposes of this section, the term:					
34	(a) "Employee" has the same meaning as in s.					
35	<u>112.044(2)(c).</u>					
36	(b) "Employer" means the state or any county,					
37	municipality, or special district or any subdivision or agency					
38	thereof.					
39	(c) "Employment agency" has the same meaning as in s.					
40	<u>112.044(2)(b).</u>					
41	(2) An employer or employment agency may not:					
42	(a) Seek, request, or require the wage or salary history					
43	from a current, former, or prospective employee, orally or in					
44	writing, as a condition of being interviewed, as a condition of					
45	continuing to be considered for an offer of employment, or as a					
46	condition of employment or promotion.					
47	(b) Seek, request, or require the wage or salary history					
48	of a current, former, or prospective employee, orally or in					
49	writing, from a current or former employer except as provided in					
50	subsection (4).					
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51 (c) Retaliate against or refuse to interview, hire, promote, or otherwise employ a current, former, or prospective 52 53 employee: 54 1. Because the current, former, or prospective employee, 55 in accordance with this section, did not provide his or her wage 56 or salary history. 57 2. Because the current, former, or prospective employee filed a complaint alleging a violation of this section. 58 59 (3) This section does not prevent a current, former, or prospective employee from voluntarily disclosing his or her wage 60 or salary history, including, but not limited to, for the 61 purposes of negotiating wages or salary. 62 (4) An employer or employment agency may confirm a wage or 63 64 salary history only if, at the time an offer of employment with 65 compensation is made, the prospective employee responds to the 66 offer by providing prior wage or salary history to support a 67 wage higher than that offered by the employer or employment 68 agency. 69 Section 3. Section 448.101, Florida Statutes, is amended 70 to read: 71 448.101 Definitions.-As used in ss. 448.101-448.105 and s. 72 448.112, the term: 73 "Appropriate governmental agency" means any agency of (1)74 government charged with the enforcement of laws, rules, or 75 regulations governing an activity, policy, or practice of an Page 3 of 6

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76 employer.

(2) "Employee" means a person who performs services for and under the control and direction of an employer for wages or other remuneration. The term does not include an independent contractor.

(3) "Employer" means any private individual, firm,
partnership, institution, corporation, or association that
employs ten or more persons.

(4) "Law, rule, or regulation" includes any statute or
ordinance or any rule or regulation adopted pursuant to any
federal, state, or local statute or ordinance applicable to the
employer and pertaining to the business.

(5) "Retaliatory personnel action" means the discharge,
suspension, or demotion by an employer of an employee or any
other adverse employment action taken by an employer against an
employee in the terms and conditions of employment.

92 (6) "Supervisor" means any individual within an employer's 93 organization who has the authority to direct and control the 94 work performance of the affected employee or who has managerial 95 authority to take corrective action regarding the violation of 96 law, rule, or regulation of which the employee complains.

97 Section 4. Section 448.112, Florida Statutes, is created 98 to read:

99 <u>448.112 Prohibited employer activities related to wages</u> 100 <u>and salary.-</u>

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101	(1) An employer may not:
102	(a) Seek, request, or require the wage or salary history
103	from a current, former, or prospective employee, orally or in
104	writing, as a condition of being interviewed, as a condition of
105	continuing to be considered for an offer of employment, or as a
106	condition of employment or promotion.
107	(b) Seek, request, or require the wage or salary history
108	of a current, former, or prospective employee, orally or in
109	writing, from a current or former employer except as provided in
110	subsection (3).
111	(c) Retaliate against or refuse to interview, hire,
112	promote, or otherwise employ a current, former, or prospective
113	employee:
114	1. Because the current, former, or prospective employee,
115	in accordance with this section, did not provide his or her wage
116	or salary history.
117	2. Because the current, former, or prospective employee
118	filed a complaint alleging a violation of this section.
119	(2) This section does not prevent a current, former, or
120	prospective employee from voluntarily disclosing his or her wage
121	or salary history, including, but not limited to, for the
122	purposes of negotiating wages or salary.
123	(3) An employer may confirm a wage or salary history only
124	if, at the time an offer of employment with compensation is
125	made, the prospective employee responds to the offer by

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providing prior wage or salary history to support a wage higher

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127	7 than that offered by the employer.											
128		Secti	on 5.	This	act	shall	take	effect	July	1,	2023.	

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