

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.
 35 112.044(2)(c).

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.
 40 112.044(2)(b).

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).

51 (c) Retaliate against or refuse to interview, hire,
52 promote, or otherwise employ a current, former, or prospective
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
58 filed a complaint alleging a violation of this section.

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

63 (4) An employer or employment agency may confirm a wage or
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 (1) "Appropriate governmental agency" means any agency of
74 government charged with the enforcement of laws, rules, or
75 regulations governing an activity, policy, or practice of an

76 | employer.

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

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

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

88 | (5) "Retaliatory personnel action" means the discharge,
89 | suspension, or demotion by an employer of an employee or any
90 | other adverse employment action taken by an employer against an
91 | 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 | 448.112 Prohibited employer activities related to wages
100 | and salary.-

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

HB 663

2023

126 | providing prior wage or salary history to support a wage higher
127 | than that offered by the employer.

128 | Section 5. This act shall take effect July 1, 2023.