

1 A bill to be entitled
2 An act relating to employee wages and salary;
3 providing a short title; creating s. 112.0445, F.S.;
4 providing definitions; prohibiting a public employer
5 or an employment agency from engaging in certain
6 activities relating to wages and salary; providing
7 applicability; authorizing a public employer or an
8 employment agency to confirm a prospective employee's
9 wage or salary history under certain conditions;
10 requiring a public employer or an employment agency to
11 maintain certain records for a specified time period;
12 providing administrative, injunctive, and civil
13 relief; providing civil penalties; amending s.
14 448.101, F.S.; revising applicability; creating s.
15 448.112, F.S.; defining the term "wage range";
16 prohibiting a private employer from engaging in
17 certain activities relating to wages and salary;
18 providing applicability; authorizing a private
19 employer to confirm a prospective employee's wage or
20 salary history under certain conditions; requiring a
21 private employer to maintain certain records for a
22 specified time period; authorizing a civil action and
23 providing specified relief; providing an effective
24 date.
25

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

27
 28 **Section 1.** This act me be cited as the "Wage Fairness
 29 Act."

30 **Section 2. Section 112.0445, Florida Statutes, is created**
 31 **to read:**

32 112.0445 Prohibited employer and employment agency
 33 activities related to wages and salary.-

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

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

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).

41 (d) "Wage range" means the minimum and maximum wage for an
 42 employment opportunity, which is set in good faith by reference
 43 to any applicable pay scale, the actual pay range of other
 44 employees holding an equivalent position, or the amount budgeted
 45 for such employment position, as applicable.

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

47 (a) Seek, request, or require the wage or salary history
 48 from a current, former, or prospective employee, orally or in
 49 writing, as a condition of being interviewed, as a condition of
 50 continuing to be considered for an offer of employment, or as a

51 condition of employment or promotion.

52 (b) Seek, request, or require the wage or salary history
53 of a current, former, or prospective employee, orally or in
54 writing, from a current or former employer except as provided in
55 subsection (4).

56 (c) Fail or refuse to disclose in an advertisement for an
57 employment opportunity, whether public or internal, the wage or
58 wage range for such employment opportunity and a general
59 description of the benefits and other remuneration for the
60 employment opportunity.

61 (d) Fail or refuse to provide an employee the current wage
62 or wage range and a general description of the benefits and
63 other remuneration for the position in which the employee is
64 currently employed upon such employee's hiring, promotion, or
65 transfer and at least annually thereafter as long as the
66 employee is still employed by the employer or employment agency.

67 (e) Retaliate against or refuse to interview, hire,
68 promote, or otherwise employ a current, former, or prospective
69 employee:

70 1. Because the current, former, or prospective employee,
71 in accordance with this section, did not provide his or her wage
72 or salary history.

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

75 (3) This section does not prevent a current, former, or

76 prospective employee from voluntarily disclosing his or her wage
77 or salary history, including, but not limited to, for the
78 purposes of negotiating wages or salary.

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

85 (5) An employer or employment agency must maintain all
86 necessary records to comply with the requirements of this
87 section, including the wage or wage range and a general
88 description of benefits and all other remuneration for each
89 employment opportunity, promotion, or transfer. An employer or
90 employment agency must maintain the wage rate history for each
91 employee for at least 2 years after the date on which an
92 employee leaves such employment.

93 (6) An employee who is within the Career Service System
94 established by chapter 110 and who is aggrieved by a violation
95 of this section may appeal to the Public Employees Relations
96 Commission under the conditions and following the procedures
97 prescribed in part II of chapter 447. Any person other than an
98 employee who is within the Career Service System or a person
99 employed by the Public Employees Relations Commission who is
100 aggrieved by a violation of this section may bring a civil

101 action for legal or equitable relief in any court of competent
102 jurisdiction within 1 year after the date the person knew or
103 should have known about the violation.

104 (7) Upon finding that an employer or employment agency
105 violated this section:

106 (a) The Public Employees Relations Commission may order
107 the employer or employment agency to pay a civil penalty of
108 \$1,000 for a first violation and an additional \$1,000 for each
109 subsequent violation, not to exceed \$10,000.

110 (b) The court may order injunctive relief if appropriate
111 and order the employer or employment agency to pay a civil
112 penalty of at least \$1,000, but not to exceed \$10,000, or the
113 amount of the actual damages, whichever is greater, plus
114 reasonable attorney fees and costs.

115 **Section 3. Section 448.101, Florida Statutes, is amended**
116 **to read:**

117 448.101 Definitions.—As used in ss. 448.101-448.105 and s.
118 448.112, the term:

119 (1) "Appropriate governmental agency" means any agency of
120 government charged with the enforcement of laws, rules, or
121 regulations governing an activity, policy, or practice of an
122 employer.

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

126 contractor.

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

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

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

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

143 **Section 4. Section 448.112, Florida Statutes, is created**
 144 **to read:**

145 448.112 Prohibited employer activities related to wages
 146 and salary.-

147 (1) As used in this section, the term "wage range" means
 148 the minimum and maximum wage for an employment opportunity,
 149 which is set in good faith by reference to any applicable pay
 150 scale, the actual pay range of other employees holding an

151 equivalent position, or the amount budgeted for such employment
152 position, as applicable.

153 (2) An employer may not:

154 (a) Seek, request, or require the wage or salary history
155 from a current, former, or prospective employee, orally or in
156 writing, as a condition of being interviewed, as a condition of
157 continuing to be considered for an offer of employment, or as a
158 condition of employment or promotion.

159 (b) Seek, request, or require the wage or salary history
160 of a current, former, or prospective employee, orally or in
161 writing, from a current or former employer except as provided in
162 subsection (4).

163 (c) Fail or refuse to disclose in an advertisement for an
164 employment opportunity, whether public or internal, the wage or
165 wage range for such employment opportunity and a general
166 description of the benefits and other remuneration for the
167 employment opportunity.

168 (d) Fail or refuse to provide an employee the current wage
169 or wage range and a general description of the benefits and
170 other remuneration for the position in which the employee is
171 currently employed upon such employee's hiring, promotion, or
172 transfer and at least annually thereafter as long as the
173 employee is still employed by the employer.

174 (e) Retaliate against or refuse to interview, hire,
175 promote, or otherwise employ a current, former, or prospective

176 employee:

177 1. Because the current, former, or prospective employee,
178 in accordance with this section, did not provide his or her wage
179 or salary history.

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

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

186 (4) An employer may confirm a wage or salary history only
187 if, at the time an offer of employment with compensation is
188 made, the prospective employee responds to the offer by
189 providing prior wage or salary history to support a wage higher
190 than that offered by the employer.

191 (5) An employer must maintain all necessary records to
192 comply with the requirements of this section, including the wage
193 or wage range and a general description of benefits and all
194 other remuneration for each employment opportunity, promotion,
195 or transfer. An employer must maintain the wage rate history for
196 each employee for at least 2 years after the date on which an
197 employee leaves such employment.

198 (6) An employee who is aggrieved by a violation of this
199 section may bring a civil action under the conditions and
200 following the procedures set out in s. 448.103.

HB 1619

2025

201

Section 5. This act shall take effect July 1, 2025.