

2023 HR Florida Legislative Conference



Legislative rules state that all general bills must be filed by the beginning of the session, which was Tuesday, March 7, 2023).

The 2023 HR Florida Legislative Conference is just one week away, and the Legislative Conference planning team has reviewed the bills and identified a number that have to do with Human Resources and/or the workplace.

HR Florida had a Bill Input call on *Monday, March 13th* to allow those who wanted to provide input to the bills and help shape HR Florida's response to the bills.

Sandy Whitaker and I will be meeting with our local representatives during the conference in **Tallahassee** on **March 22nd & 23rd, 2023**. There is still time to have your voices heard.

Legislative Update – National Highlights

- Pay Transparency Laws 2023

- New York – expected implementation September 2023. Requires all employers with four or more workers to list salary ranges for all advertised jobs and promotions.
- Washington State – Effective January 1, 2023 – Applies to employers with 15 or more employees. Requires salary range and benefits for each job posting.
- California Effective January 1, 2023 - The law requires **public and private employers with 15 or more employees to include a pay scale in job postings** starting January 1, 2023. Companies with **100 or more employees must report** to the state the pay data of their employees and contractors by race, ethnicity, and gender. It is not yet clear if the employees must be located in California or if nationwide employees are counted.
- Massachusetts and South Carolina are expected to pass legislation this year. Colorado has a requirement to post salaries.



Legislative Update – National Highlights

- Non-Compete Agreements

- The Federal Trade Commission (FTC) has proposed a rule that would prohibit employers and employees from entering into noncompete agreements, stating the agreements harm competition, suppress worker mobility and reduce wages. **SHRM** is preparing a formal comment for submission.

- Secure Act 2.0

- Passed December 23, 2022 and sets into motion changes to Required Mandatory Distributions, Increase in catch-up limit contributions and other key provisions including automatic enrollment for new plans.



Legislative Update – National Highlights

Department of Labor

- The DOL will revisit the Mental Health and Parity and Addiction Equity Act related to insurance plans as well as employee wellness plans.
- Overtime Rule -Notice of Proposed Rule Making is expected May 2023. The Wage and Hour division continues to review exemptions but has not specified what changes it is considering at this time.
- Independent Contractor Definition – The final rule is slated for May. SHRM submitted a comment to the DOL regarding how the modern economy demands more flexibility from employers and employees demand it.
- Davis Bacon Act Changes – On March 18, 2022 the WHD published a Notice of Proposed Rule Making. The focus is on a pre-determination of wage rates. The comment period closed May 17, 2022.



Legislative Update - EEOC, etc.

- The EEOC has additional funding so anticipate more enforcement
 - Be prepared for more scrutiny with regard to compensation. Pay collection for the EEO-1 forms is here for fiscal years 2017 and 2018. Additional rule making is expected.
- States are implementing or are poised to implement a number of regulations.
 - Paid leave, artificial intelligence regulations, bargaining rights. Pay attention to California and their *industry council!*
 - Note: 2023 there were over 30 labor law updates at the state and federal level and another 30 updates at the city/county level.



Legislative Update – SHRM Track

- 2023 Omnibus Spending Bill

- Many provisions passed that were advanced by SHRM including strengthening access to mental health, promoting skills-based hiring, protections for pregnant workers and a two-year extension for pre-deductible coverage of telehealth services for high deductible health plans and health savings accounts.

- SHRM continues to navigate an ever expanding landscape of employment laws at a federal and state level.

- SHRM's Top 5 –

- Government's efforts to increase wages
- Regulatory action by EEOC, FTC, NLRB
- State policy landscape
- The tight labor market
- Health care and paid leave benefit requirements

- For more information go to <https://advocacy.shrm.org/>



Legislative Update - Florida

Tuesday, March 7, 2023, Regular Session begins (60 days, unless extended)

Friday, May 5, 2023, Last day of Regular Session.

These are the bills that HR Florida is tracking but is not releasing an official position on these bills.



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Legislative Update - Florida

- HB137 & SB1598- Creates a Department of Labor
- HB249 & SB676- Level 2 Background Screenings
- HB337 & SB352 - Worker's Comp benefits for posttraumatic stress disorder
- HB663 & SB576 – Employee Leave and Wage/Salary History for state employees in Career Service system
- HB1445 & SB256 – Employee organizations representing public employees

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Legislative Update - Florida

- HB917 & SB892– State Minimum Wage
- HB789 & SB492 – Public records exemptions
- HB721 & SB670 – Paid Family Leave Insurance
- HB903 & SB706 – Heat illness prevention for certain employers
- HB1013 & SB252 – COVID-19 mandates and treatment options

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Legislative Update - Florida cont'd

- HB1065 & SB972 – Protections for public employees who use medical marijuana as qualified patients
- HB1265 & SB952-Employer coverage for gender dysphoria treatment
- HB1521 & SB1674 – Facility requirements based on sex
- HB51 & SB590 – Prohibited discrimination based on hairstyle in the education system
- HB139 – Benefits, training and employment for veterans and their spouses

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Legislative Update - Florida cont'd

- HB199 & SB620 – Conflicting employment relations for public officers or employees
- HB271 & SB342 – Minimum base salary for full-time classroom teachers
- HB315 & SB738 – Civil remedies for unlawful employment practices
- HB513 & SB270 – Equal rights for men and women
- HB535 & SB364 – Law enforcement officer funeral service benefits

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Legislative Update - Florida cont'd

- HB729 & SB696 – Local Officials' employment contracts
- HB905 & SB896 – Deferred retirement option eligibility for school employees and personnel
- HB1559 & SB876 – Review of employment contracts
- SB1026 – Discrimination in labor and employment



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