

1 A bill to be entitled
2 An act relating to substitution of work experience for
3 postsecondary education requirements; providing a
4 short title; amending s. 112.219, F.S.; removing
5 obsolete language; conforming provisions to changes
6 made by the act; creating s. 112.2195, F.S.; providing
7 definitions; providing requirements for hiring
8 considerations by employing agencies; providing an
9 exception; providing that a postsecondary degree may
10 be a baseline requirement under a certain
11 circumstance; authorizing an applicant to request that
12 the Department of Management Services review a hiring
13 consideration; requiring the department to review each
14 such request; requiring the department to provide a
15 copy of its findings to the applicant and employing
16 agency; authorizing the department to advise the
17 Public Employees Relations Commission as to the merits
18 or lack thereof of the case reviewed; providing that
19 certain actions by the department are not final agency
20 action; providing the commission certain jurisdiction;
21 requiring the commission to dismiss a complaint
22 without holding a hearing under certain circumstances;
23 providing that certain reports may be made to the
24 department; providing remedies if the department
25 substantiates a report; authorizing rulemaking;

26 providing applicability; amending s. 287.057, F.S.;

27 authorizing an agency to substitute certain work

28 experience for postsecondary educational requirements

29 for a person seeking to enter into a contract with the

30 agency under certain circumstances; amending s.

31 447.207, F.S.; requiring the commission to hear

32 certain appeals; providing an effective date.

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

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36 Section 1. Sections 112.219 and 112.2195, Florida

37 Statutes, may be cited as the "Expanding Public Sector Career

38 Opportunities Act."

39 Section 2. Subsections (1) and (4) of section 112.219,

40 Florida Statutes, are amended to read:

41 112.219 Substitution of work experience for postsecondary

42 educational requirements.—

43 (1) ~~Beginning July 1, 2022,~~ The head of an employing

44 agency may elect to substitute verifiable, related work

45 experience in lieu of postsecondary educational requirements for

46 a position of employment if the person seeking the position of

47 employment is otherwise qualified for such position.

48 (4) This section and s. 112.2195 do ~~does~~ not abridge state

49 and federal laws and regulations governing equal opportunity

50 employment.

51 Section 3. Section 112.2195, Florida Statutes, is created
 52 to read:

53 112.2195 Expanding public sector career opportunities.-

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

55 (a) "Applicant" means a person seeking gainful employment
 56 from an employing agency.

57 (b) "Baseline requirement" means the minimum skills or
 58 previous training or experience required to satisfactorily
 59 perform the primary duties of an employment position.

60 (c) "Department" means the Department of Management
 61 Services.

62 (d) "Direct experience" means any previous work experience
 63 during which:

64 1. The applicant's primary duties were consistent with the
 65 employment position he or she is currently seeking; or

66 2. The skills required for the applicant's primary duties
 67 are transferable to the employment position he or she is
 68 currently seeking.

69 (e) "Employing agency" has the same meaning as in s.
 70 112.219.

71 (f) "Hiring consideration" means all of the following:

72 1. A decision to offer an applicant an interview.

73 2. An interview held in good faith between the employing
 74 agency and the applicant.

75 3. A decision to move an applicant to a subsequent round

76 | in the hiring process.

77 | 4. A decision to include the applicant on a list of
78 | applicants for consideration by another member of the employing
79 | agency.

80 | 5. A final offer of employment.

81 | (g) "Postsecondary degree" means an associate degree, a
82 | bachelor's degree, or a graduate degree from an accredited
83 | college or university.

84 | (2) Both of the following apply to hiring considerations
85 | made by an employing agency:

86 | (a) An employing agency may not deny consideration to an
87 | applicant solely on the basis of the applicant lacking a
88 | postsecondary degree, except as provided under subsection (3).

89 | (b) An employing agency shall determine for each
90 | employment position baseline requirements that an applicant must
91 | meet. Prior direct experience or specified certifications or
92 | courses may be included as a baseline requirement. A
93 | postsecondary degree may only be included as a baseline
94 | requirement as provided in subsection (4).

95 | (3) Paragraph (2) (a) does not apply if an employing agency
96 | clearly demonstrates that the job duties of the employment
97 | position require a postsecondary degree. In the job posting, an
98 | employing agency must substantiate the necessity of a
99 | postsecondary degree on the basis that the postsecondary degree
100 | is the best measure to determine if an applicant possesses

101 specific skills required for the job or that the employment
102 position requires advanced accreditation or licensure that is
103 only available to a person who holds a specific postsecondary
104 degree.

105 (4) An employing agency may include a postsecondary degree
106 as a baseline requirement only as an alternative to the number
107 of years of direct experience required, not to exceed:

108 (a) Two years of direct experience for an associate
109 degree;

110 (b) Four years of direct experience for a bachelor's
111 degree;

112 (c) Six years of direct experience for a master's degree;

113 (d) Seven years of direct experience for a professional
114 degree; or

115 (e) Nine years of direct experience for a doctoral degree.

116 (5)(a) An applicant who is eliminated from a hiring
117 consideration solely because the applicant lacks a postsecondary
118 degree may request that the department review such decision.

119 1. The department shall review each request it receives.
120 Upon completion of the review, the department shall provide a
121 copy of the review findings to the applicant and the employing
122 agency involved. The department may advise the Public Employees
123 Relations Commission as to the merit or lack of merit of each
124 case reviewed. The actions of the department under this
125 subparagraph do not constitute final agency action.

126 2. Jurisdiction to effectuate the purposes of this
127 paragraph shall vest with the Public Employees Relations
128 Commissions for appropriate administrative determination. If,
129 upon preliminary review, the commission agrees with the
130 department's determination that a case lacks merit and finds, at
131 the discretion of the commission, that there was a complete
132 absence of justiciable issues of either law or fact raised in
133 the applicant's complaint regarding an employing agency's hiring
134 consideration, the commission must dismiss the complaint without
135 holding a hearing.

136 (b) A person may report to the department any job postings
137 by an employing agency which require a postsecondary degree but
138 fail to include the information required under subsection (3).
139 If the report is substantiated by the department, the employing
140 agency must reopen the hiring process, modify the job posting,
141 or take other action as directed by the department.

142 (c) The department may adopt rules to implement the
143 requirements of this subsection.

144 (6) This section does not apply to an executive branch
145 appointment requiring confirmation by the Cabinet or Senate or
146 the appointment of a head of a department, a secretary, or an
147 executive director, as those terms are defined in s. 20.03(4),
148 (5), and (6), respectively.

149 Section 4. Subsection (28) is added to section 287.057,
150 Florida Statutes, to read:

151 287.057 Procurement of commodities or contractual
 152 services.—

153 (28) An agency may substitute verifiable, related work
 154 experience in lieu of postsecondary education requirements for
 155 contractual services pursuant to ss. 112.219 and 112.2195 if the
 156 person seeking the contract for services is otherwise qualified
 157 for such contract.

158 Section 5. Paragraph (d) is added to subsection (9) of
 159 section 447.207, Florida Statutes, to read:

160 447.207 Commission; powers and duties.—

161 (9) Pursuant to s. 447.208, the commission or its
 162 designated agent shall hear appeals, and enter such orders as it
 163 deems appropriate, arising out of:

164 (d) Section 112.2195, relating to reasons for eliminating
 165 an applicant from a hiring consideration solely because the
 166 applicant does not have a postsecondary degree.

167 Section 6. This act shall take effect July 1, 2023.