

By Senator DiCeglie

18-00824B-23

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1 A bill to be entitled  
2 An act relating to expanding public sector career  
3 opportunities; providing a short title; creating s.  
4 110.1075, F.S.; defining terms; providing requirements  
5 for hiring considerations by public employers;  
6 providing an exception; providing that a postsecondary  
7 degree may be a baseline requirement under a certain  
8 circumstance; providing direct experience to degree  
9 equivalencies; authorizing an applicant to appeal a  
10 hiring consideration to the Department of Management  
11 Services; authorizing a person to report to the  
12 department that certain job openings do not include  
13 specified required information; providing remedies if  
14 the department substantiates an appeal or report;  
15 providing applicability; requiring the department to  
16 adopt specified rules; amending s. 112.219, F.S.;  
17 deleting obsolete language; authorizing the head of an  
18 employing agency to elect to substitute certain work  
19 experience for postsecondary educational requirements  
20 for a person seeking to enter into a contract with the  
21 employing agency under certain circumstances;  
22 prohibiting the substitution of work experience for  
23 certain licensure, certification, or registration  
24 requirements; providing an effective date.

25  
26 Be It Enacted by the Legislature of the State of Florida:

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28 Section 1. This act may be cited as the "Expanding Public  
29 Sector Career Opportunities Act."

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30 Section 2. Section 110.1075, Florida Statutes, is created  
31 to read:

32 110.1075 Expanding public sector career opportunities.-

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

34 (a) "Applicant" means a person seeking gainful employment  
35 from a public employer.

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

39 (c) "Direct experience" means any previous work experience  
40 during which:

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

43 2. The skills required for the applicant's primary duties  
44 are transferable to the employment position he or she is  
45 currently seeking.

46 (d) "Hiring consideration" means all of the following:

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

48 2. An interview held in good faith between the public  
49 employer and the applicant.

50 3. A decision to move an applicant to a subsequent round in  
51 the hiring process.

52 4. A decision to include the applicant on a list of  
53 applicants for consideration by another member of the public  
54 employer.

55 5. A final offer of employment.

56 (e) "Postsecondary degree" means an associate degree, a  
57 bachelor's degree, or a graduate degree earned from an  
58 accredited college or university.

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59       (f) "Public employer" has the same meaning as in s.  
60 448.095(1).

61       (2) Both of the following apply for hiring considerations  
62 by public employers:

63       (a) A public employer may not deny consideration to an  
64 applicant solely on the basis of the applicant lacking a  
65 postsecondary degree.

66       (b) A public employer shall determine for each employment  
67 position the baseline requirements that an applicant must meet.  
68 Prior direct experience or specified certifications or courses  
69 may be included as a baseline requirement. A postsecondary  
70 degree may only be included as a baseline requirement as  
71 provided in subsection (4).

72       (3) Paragraph (2)(a) does not apply if a public employer  
73 clearly demonstrates that the job duties of the employment  
74 position require a postsecondary degree. In the job posting, a  
75 public employer must substantiate the necessity of a  
76 postsecondary degree on the basis that the postsecondary degree  
77 is the best measure to determine if an applicant possesses  
78 specific skills required for the job or that the employment  
79 position requires advanced accreditation or licensure that is  
80 only available to a person who holds a specific postsecondary  
81 degree.

82       (4) A public employer may include a postsecondary degree as  
83 a baseline requirement only as an alternative to the number of  
84 years of direct experience required, not to exceed:

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

86       (b) Four years of direct experience for a bachelor's  
87 degree;

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

89 (d) Seven years of direct experience for a professional  
90 degree; or

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

92 (5) (a) An applicant eliminated from a hiring consideration  
93 solely because he or she lacks a postsecondary degree may appeal  
94 such decision to the department.

95 (b) A person may report to the department any job postings  
96 by a public employer which require a postsecondary degree but  
97 fail to include the information required under subsection (3).

98 (c) If an appeal or report is substantiated by the  
99 department, the public employer must reopen the hiring process,  
100 modify the job posting, or take other action as directed by the  
101 department.

102 (6) This section does not apply to political appointments  
103 or other employment positions for which hiring is done by  
104 elected representatives in this state.

105 (7) The department shall adopt rules to implement the  
106 requirements of subsection (5).

107 Section 3. Present subsections (4) and (5) of section  
108 112.219, Florida Statutes, are redesignated as subsections (5)  
109 and (6), respectively, subsection (1) of that section is  
110 amended, and a new subsection (4) is added to that section, to  
111 read:

112 112.219 Substitution of work experience for postsecondary  
113 educational requirements.—

114 (1) ~~Beginning July 1, 2022,~~ The head of an employing agency  
115 may elect to substitute verifiable, related work experience in  
116 lieu of postsecondary educational requirements for a position of

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117 employment if the person seeking the position of employment is  
118 otherwise qualified for such position.

119 (4) (a) The head of an employing agency may elect to  
120 substitute verifiable, related work experience in lieu of  
121 postsecondary educational requirements for a contract for the  
122 performance of services with the employing agency if the person  
123 seeking to enter into the contract with the employing agency is  
124 otherwise qualified for such position.

125 (b) Related work experience may not substitute for any  
126 licensure, certification, or registration required for the  
127 contract, as established by the employing agency and indicated  
128 in the advertised description of the contract.

129 Section 4. This act shall take effect July 1, 2023.