

By the Committee on Community Affairs; and Senators DiCeglie and Hooper

578-03259-23

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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; defining the term "public
6 employer"; conforming provisions to changes made by
7 the act; creating s. 112.2195, F.S.; defining terms;
8 providing requirements for hiring considerations by
9 public employers; providing an exception; providing
10 that a postsecondary degree may be a baseline
11 requirement under a certain circumstance; authorizing
12 an applicant to appeal a hiring consideration to the
13 Department of Management Services; authorizing a
14 person to report to the department any job postings
15 that fail to include specified information; providing
16 remedies if the department substantiates an appeal or
17 a report; providing applicability; authorizing the
18 department to adopt rules; amending s. 287.057, F.S.;
19 authorizing an agency to substitute certain work
20 experience for postsecondary educational requirements
21 for a person seeking to enter into a contract with the
22 agency under certain circumstances; providing an
23 effective date.

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

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27 Section 1. Sections 112.219 and 112.2195, Florida Statutes,
28 may be cited as the "Expanding Public Sector Career
29 Opportunities Act."

578-03259-23

20231310c1

30 Section 2. Section 112.219, Florida Statutes, is amended to
31 read:

32 112.219 Substitution of work experience for postsecondary
33 educational requirements.—

34 (1) ~~Beginning July 1, 2022,~~ The head of a public employer
35 ~~an employing agency~~ may elect to substitute verifiable, related
36 work experience in lieu of postsecondary educational
37 requirements for a position of employment if the person seeking
38 the position of employment is otherwise qualified for such
39 position.

40 (2) Related work experience may not substitute for any
41 required licensure, certification, or registration required for
42 the position of employment as established by the public employer
43 ~~employing agency~~ and indicated in the advertised description of
44 the position of employment.

45 (3) If the head of a public employer ~~an employing agency~~
46 elects to substitute related work experience for postsecondary
47 educational requirements, the public employer ~~employing agency~~
48 must include, in all advertisements for the position of
49 employment made by the public employer ~~employing agency~~, a
50 notice that such substitution is authorized and a description of
51 the related work experience equivalencies that may be
52 substituted for the required postsecondary education.

53 (4) This section and s. 112.2195 ~~do~~ does not abridge state
54 and federal laws and regulations governing equal opportunity
55 employment.

56 (5) For purposes of this section, the term "public
57 employer" has the same meaning as in s. 448.095(1) ~~"employing~~
58 ~~agency" means any agency or unit of government of the state or~~

578-03259-23

20231310c1

59 ~~any county, municipality, or political subdivision thereof,~~
60 ~~including special districts, that is authorized to employ~~
61 ~~personnel to carry out the responsibilities of the agency or~~
62 ~~unit of government.~~

63 Section 3. Section 112.2195, Florida Statutes, is created
64 to read:

65 112.2195 Expanding public sector career opportunities.-

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

67 (a) "Applicant" means a person seeking gainful employment
68 from a public employer.

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

72 (c) "Department" means the Department of Management
73 Services.

74 (d) "Direct experience" means any previous work experience
75 during which:

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

78 2. The skills required for the applicant's primary duties
79 are transferable to the employment position he or she is
80 currently seeking.

81 (e) "Hiring consideration" means all of the following:

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

83 2. An interview held in good faith between the public
84 employer and the applicant.

85 3. A decision to move an applicant to a subsequent round in
86 the hiring process.

87 4. A decision to include the applicant on a list of

578-03259-23

20231310c1

88 applicants for consideration by another member of the public
89 employer.

90 5. A final offer of employment.

91 (f) "Postsecondary degree" means an associate degree, a
92 bachelor's degree, or a graduate degree from an accredited
93 college or university.

94 (g) "Public employer" has the same meaning as in s.
95 448.095(1).

96 (2) Both of the following apply for hiring considerations
97 by public employers:

98 (a) A public employer may not deny consideration to an
99 applicant solely on the basis of the applicant lacking a
100 postsecondary degree, except as provided under subsection (3).

101 (b) A public employer shall determine for each employment
102 position baseline requirements that an applicant must meet.
103 Prior direct experience or specified certifications or courses
104 may be included as a baseline requirement. A postsecondary
105 degree may only be included as a baseline requirement as
106 provided in subsection (4).

107 (3) Paragraph (2)(a) does not apply if a public employer
108 clearly demonstrates that the job duties of the employment
109 position require a postsecondary degree. In the job posting, a
110 public employer must substantiate the necessity of a
111 postsecondary degree on the basis that the postsecondary degree
112 is the best measure to determine if an applicant possesses
113 specific skills required for the job or that the employment
114 position requires advanced accreditation or licensure that is
115 only available to a person who holds a specific postsecondary
116 degree.

578-03259-23

20231310c1

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

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

121 (b) Four years of direct experience for a bachelor's
122 degree;

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

124 (d) Seven years of direct experience for a professional
125 degree; or

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

127 (5) (a) An applicant who is eliminated from a hiring
128 consideration solely because the applicant lacks a postsecondary
129 degree may appeal such decision to the department.

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

133 (c) If an appeal or report is substantiated by the
134 department, the public employer must reopen the hiring process,
135 modify the job posting, or take other action as directed by the
136 department.

137 (6) This section does not apply to political appointments
138 or other employment positions hired by elected representatives
139 in the state.

140 (7) The department may adopt rules to implement the
141 requirements of subsection (5).

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

144 287.057 Procurement of commodities or contractual
145 services.-

578-03259-23

20231310c1

146 (28) An agency may substitute verifiable, related work
147 experience in lieu of postsecondary education requirements for
148 contractual services pursuant to ss. 112.219 and 112.2195 if the
149 person seeking the contract for services is otherwise qualified
150 for such contract.

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