

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: State Affairs Committee
 2 Representative Barnaby offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

6 Section 1. Sections 112.219 and 112.2195, Florida
 7 Statutes, may be cited as the "Expanding Public Sector Career
 8 Opportunities Act."

9 Section 2. Subsections (1) and (4) of section 112.219,
 10 Florida Statutes, are amended to read:

11 112.219 Substitution of work experience for postsecondary
 12 educational requirements.—

13 (1) ~~Beginning July 1, 2022,~~ The head of an employing
 14 agency may elect to substitute verifiable, related work
 15 experience in lieu of postsecondary educational requirements for
 16 a position of employment if the person seeking the position of

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17 employment is otherwise qualified for such position.

18 (4) This section and s. 112.2195 do ~~does~~ not abridge state
19 and federal laws and regulations governing equal opportunity
20 employment.

21 Section 3. Section 112.2195, Florida Statutes, is created
22 to read:

23 112.2195 Expanding public sector career opportunities.-

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

25 (a) "Applicant" means a person seeking gainful employment
26 from an employing agency.

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

30 (c) "Department" means the Department of Management
31 Services.

32 (d) "Direct experience" means any previous work experience
33 during which:

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

36 2. The skills required for the applicant's primary duties
37 are transferable to the employment position he or she is
38 currently seeking.

39 (e) "Employing agency" has the same meaning as in s.
40 112.219.

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

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

43 2. An interview held in good faith between the employing
44 agency and the applicant.

45 3. A decision to move an applicant to a subsequent round
46 in the hiring process.

47 4. A decision to include the applicant on a list of
48 applicants for consideration by another member of the employing
49 agency.

50 5. A final offer of employment.

51 (g) "Postsecondary degree" means an associate degree, a
52 bachelor's degree, or a graduate degree from an accredited
53 college or university.

54 (2) Both of the following apply to hiring considerations
55 by employing agencies:

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

59 (b) An employing agency shall determine for each
60 employment position baseline requirements that an applicant must
61 meet. Prior direct experience or specified certifications or
62 courses may be included as a baseline requirement. A
63 postsecondary degree may only be included as a baseline
64 requirement as provided in subsection (4).

65 (3) Paragraph (2) (a) does not apply if an employing agency
66 clearly demonstrates that the job duties of the employment

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67 position require a postsecondary degree. In the job posting, an
68 employing agency must substantiate the necessity of a
69 postsecondary degree on the basis that the postsecondary degree
70 is the best measure to determine if an applicant possesses
71 specific skills required for the job or that the employment
72 position requires advanced accreditation or licensure that is
73 only available to a person who holds a specific postsecondary
74 degree.

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

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

80 (b) Four years of direct experience for a bachelor's
81 degree;

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

83 (d) Seven years of direct experience for a professional
84 degree; or

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

86 (5)(a) An applicant who is eliminated from a hiring
87 consideration solely because the applicant lacks a postsecondary
88 degree may request the department to review such decision.

89 1. The department shall review each request. Upon
90 completing the review, the department shall furnish a copy of
91 the review findings to the complainant and the employing agency

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92 involved. The department may advise the Public Employees
93 Relations Commission as to the merit or lack of merit of each
94 case. The actions of the department under this subparagraph do
95 not constitute final agency action.

96 2. Jurisdiction to effectuate the purposes of this
97 paragraph shall vest with the Public Employees Relations
98 Commission for appropriate administrative determination. If,
99 upon preliminary review of the Public Employees Relations
100 Commission, the commission agrees with the department's
101 determination that a case lacks merit and finds, in its
102 discretion, that there was a complete absence of justiciable
103 issues of either law or fact raised by the applicant's hiring
104 consideration complaint, the Public Employees Relations
105 Commission shall dismiss the complaint without the necessity of
106 holding a hearing.

107 (b) A person may report to the department any job postings
108 by an employing agency which require a postsecondary degree but
109 fail to include the information required under subsection (3).
110 If the report is substantiated by the department, the employing
111 agency must reopen the hiring process, modify the job posting,
112 or take other action as directed by the department.

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

115 (6) This section does not apply to an executive branch
116 appointment requiring confirmation by the Cabinet or the Senate,

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117 or the appointment of a head of a department, a secretary, or an
118 executive director, as those terms are defined in s. 20.03.

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

121 287.057 Procurement of commodities or contractual
122 services.—

123 (28) An agency may substitute verifiable, related work
124 experience in lieu of postsecondary education requirements for
125 contractual services pursuant to ss. 112.219 and 112.2195 if the
126 person seeking the contract for services is otherwise qualified
127 for such contract.

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

130 447.207 Commission; powers and duties.—

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

134 (d) Section 112.2195, relating to reasons for eliminating
135 an applicant from a hiring consideration solely because the
136 applicant lacks a postsecondary degree.

137 Section 6. This act shall take effect July 1, 2023.
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140 **T I T L E A M E N D M E N T**

141 Remove everything before the enacting clause and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1109 (2023)

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142 An act relating to substitution of work experience for
143 postsecondary education requirements; providing a short title;
144 amending s. 112.219, F.S.; removing obsolete language; providing
145 a cross reference; creating s. 112.2195, F.S.; providing
146 definitions; providing requirements for hiring considerations by
147 employing agencies; providing an exception; providing that a
148 postsecondary degree may be a baseline requirement under a
149 certain circumstance; authorizing an applicant to request review
150 of a hiring consideration by the Department of Management
151 Services; providing for the department to advise the Public
152 Employees Relations Commission about the review results;
153 providing certain actions by the department are not final agency
154 action; providing jurisdiction for the commission to hear
155 appeals from certain hiring decisions; providing that certain
156 reports may be made to the department; providing remedies if the
157 department substantiates a report; providing applicability;
158 authorizing rulemaking; amending s. 287.057, F.S.; authorizing
159 an agency to substitute certain work experience for
160 postsecondary educational requirements for a person seeking to
161 enter into a contract with the agency under certain
162 circumstances; amending s. 447.207; authorizing the commission
163 to hear certain appeals; providing an effective date.

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