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LEGISLATIVE ACTION

Senate

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House

The Committee on Community Affairs (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

112.219 Substitution of work experience for postsecondary



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11 educational requirements.-

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

18 (2) Related work experience may not substitute for any
19 required licensure, certification, or registration required for
20 the position of employment as established by the public employer
21 ~~employing agency~~ and indicated in the advertised description of
22 the position of employment.

23 (3) If the head of a public employer ~~an employing agency~~
24 elects to substitute related work experience for postsecondary
25 educational requirements, the public employer ~~employing agency~~
26 must include, in all advertisements for the position of
27 employment made by the public employer ~~employing agency~~, a
28 notice that such substitution is authorized and a description of
29 the related work experience equivalencies that may be
30 substituted for the required postsecondary education.

31 (4) This section and s. 112.2195 do ~~does~~ not abridge state
32 and federal laws and regulations governing equal opportunity
33 employment.

34 (5) For purposes of this section, the term "public
35 employer" has the same meaning as in s. 448.095(1) "~~employing~~
36 ~~agency~~" ~~means any agency or unit of government of the state or~~
37 ~~any county, municipality, or political subdivision thereof,~~
38 ~~including special districts, that is authorized to employ~~
39 ~~personnel to carry out the responsibilities of the agency or~~



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40 ~~unit of government.~~

41 Section 3. Section 112.2195, Florida Statutes, is created
42 to read:

43 112.2195 Expanding public sector career opportunities.—

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

45 (a) "Applicant" means a person seeking gainful employment
46 from a public employer.

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

50 (c) "Department" means the Department of Management
51 Services.

52 (d) "Direct experience" means any previous work experience
53 during which:

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

56 2. The skills required for the applicant's primary duties
57 are transferable to the employment position he or she is
58 currently seeking.

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

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

61 2. An interview held in good faith between the public
62 employer and the applicant.

63 3. A decision to move an applicant to a subsequent round in
64 the hiring process.

65 4. A decision to include the applicant on a list of
66 applicants for consideration by another member of the public
67 employer.

68 5. A final offer of employment.



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69 (f) "Postsecondary degree" means an associate degree, a
70 bachelor's degree, or a graduate degree from an accredited
71 college or university.

72 (g) "Public employer" has the same meaning as in s.
73 448.095(1).

74 (2) Both of the following apply for hiring considerations
75 by public employers:

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

79 (b) A public employer shall determine for each employment
80 position baseline requirements that an applicant must meet.
81 Prior direct experience or specified certifications or courses
82 may be included as a baseline requirement. A postsecondary
83 degree may only be included as a baseline requirement as
84 provided in subsection (4).

85 (3) Paragraph (2)(a) does not apply if a public employer
86 clearly demonstrates that the job duties of the employment
87 position require a postsecondary degree. In the job posting, a
88 public employer must substantiate the necessity of a
89 postsecondary degree on the basis that the postsecondary degree
90 is the best measure to determine if an applicant possesses
91 specific skills required for the job or that the employment
92 position requires advanced accreditation or licensure that is
93 only available to a person who holds a specific postsecondary
94 degree.

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



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

99 (b) Four years of direct experience for a bachelor's

100 degree;

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

102 (d) Seven years of direct experience for a professional

103 degree; or

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

105 (5) (a) An applicant who is eliminated from a hiring

106 consideration solely because the applicant lacks a postsecondary

107 degree may appeal such decision to the department.

108 (b) A person may report to the department any job postings

109 by a public employer which require a postsecondary degree but

110 fail to include the information required under subsection (3).

111 (c) If an appeal or report is substantiated by the

112 department, the public employer must reopen the hiring process,

113 modify the job posting, or take other action as directed by the

114 department.

115 (6) This section does not apply to political appointments

116 or other employment positions hired by elected representatives

117 in the state.

118 (7) The department may adopt rules to implement the

119 requirements of subsection (5).

120 Section 4. Subsection (28) is added to section 287.057,

121 Florida Statutes, to read:

122 287.057 Procurement of commodities or contractual

123 services.—

124 (28) An agency may substitute verifiable, related work

125 experience in lieu of postsecondary education requirements for

126 contractual services pursuant to ss. 112.219 and 112.2195 if the



127 person seeking the contract for services is otherwise qualified
128 for such contract.

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

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131 ===== T I T L E A M E N D M E N T =====

132 And the title is amended as follows:

133 Delete everything before the enacting clause
134 and insert:

135 A bill to be entitled
136 An act relating to substitution of work experience for
137 postsecondary education requirements; providing a
138 short title; amending s. 112.219, F.S.; removing
139 obsolete language; defining the term "public
140 employer"; conforming provisions to changes made by
141 the act; creating s. 112.2195, F.S.; defining terms;
142 providing requirements for hiring considerations by
143 public employers; providing an exception; providing
144 that a postsecondary degree may be a baseline
145 requirement under a certain circumstance; authorizing
146 an applicant to appeal a hiring consideration to the
147 Department of Management Services; authorizing a
148 person to report to the department any job postings
149 that fail to include specified information; providing
150 remedies if the department substantiates an appeal or
151 a report; providing applicability; authorizing the
152 department to adopt rules; amending s. 287.057, F.S.;
153 authorizing an agency to substitute certain work
154 experience for postsecondary educational requirements
155 for a person seeking to enter into a contract with the



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agency under certain circumstances; providing an
effective date.