

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

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

31 112.219 Substitution of work experience for postsecondary
 32 educational requirements.—

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

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

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

51 substituted for the required postsecondary education.

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

55 (5) For purposes of this section, the term "public
 56 employer" has the same meaning as in s. 448.095(1) "~~employing~~
 57 ~~agency~~" means any agency or unit of government of the state or
 58 any county, municipality, or political subdivision thereof,
 59 including special districts, that is authorized to employ
 60 personnel to carry out the responsibilities of the agency or
 61 unit of government.

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

64 112.2195 Expanding public sector career opportunities.-

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

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

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

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

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

75 1. The applicant's primary duties were consistent with the

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

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

- 81 1. A decision to offer an applicant an interview.
- 82 2. An interview held in good faith between the public
 83 employer and the applicant.
- 84 3. A decision to move an applicant to a subsequent round
 85 in the hiring process.

- 86 4. A decision to include the applicant on a list of
 87 applicants for consideration by another member of the public
 88 employer.

- 89 5. A final offer of employment.

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

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

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

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

100 (b) A public employer shall determine for each employment

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

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

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

119 (a) Two years of direct experience for an associate
120 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.—

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.

PCS for HB 1109

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