

26 | 10, section 11, subsection (a) of section 12, and sections 13
27 | and 16 of section 3 of chapter 2001-324, Laws of Florida, as
28 | amended by chapter 2013-261, Laws of Florida, are amended, and
29 | paragraph (16) is added to subsection (a) of section 5 of that
30 | section, to read:

31 | Section 4. Governing body.—

32 | (b) Members shall be elected, in the primary and general
33 | elections held in 1984, by districts under the district plan of
34 | the Board of County Commissioners of Escambia County
35 | (hereinafter referred to as the "Board"). Each member shall be
36 | an elector of the district from which he or she is elected and
37 | shall be elected by the qualified electors of that respective
38 | district. Members elected for Districts Two and Four at the
39 | general election held in 1984 shall be elected to a 2-year term.
40 | Members elected for Districts One, Three, and Five at the
41 | general election held in 1984 shall serve for a 4-year term.
42 | Thereafter each member shall be elected for a term of 4 years.
43 | Beginning in 1996, the term of office of each member shall
44 | commence on the second Tuesday following the general election in
45 | which such member is elected. Upon the expiration of a term of
46 | office, a successor to the office shall be elected as designated
47 | in this paragraph; however, upon the occasion of a vacancy for
48 | any elected office which vacancy occurs prior to the expiration
49 | of the then-present ~~then-present~~ term of that office, a
50 | successor shall be appointed by the Governor and the successor

51 shall be a resident of the district in which the vacancy
52 occurred. Any person appointed to fill a vacancy shall be
53 appointed to serve only for the unexpired term and until a
54 successor is duly elected. If the Governor fails to make an
55 appointment within 90 days after the date of the vacancy, the
56 chair of the Board shall nominate two residents of the district
57 in which the vacancy occurred as potential candidates to fill
58 the vacancy. The remaining members, excluding the chair, shall
59 select by majority vote one of the two nominees to fill the
60 vacancy.

61 (c) Members shall be eligible for reelection. A person
62 elected to three consecutive full terms as a member of the Board
63 after July 1, 2021, is not eligible for election to the Board
64 for the next succeeding term.

65 (f) The authority shall elect a chair and a vice chair
66 from the members of the authority, each of whom shall serve for
67 1 year or until his or her successor is chosen. The chair, or
68 the vice chair in the chair's absence, shall preside at all
69 meetings of the authority and shall perform such additional
70 duties prescribed by the members or in the bylaws of the
71 authority. The authority shall hold regular meetings at least
72 monthly at such times and places as it may designate and may
73 hold more frequent special meetings. A majority of the
74 membership shall constitute a quorum for the purpose of meeting
75 and transacting business. Each member of the authority shall

76 | have one vote. The authority may adopt bylaws and may make all
77 | policies, procedures, rules, and regulations not inconsistent
78 | with this act which it may deem necessary respecting the conduct
79 | of its affairs, including, but not limited to, the operation of
80 | its utility systems. Such policies, procedures, rules, and
81 | regulations shall provide for notice of all public meetings and
82 | shall provide that an agenda shall be prepared by the authority
83 | in time to ensure that a copy of the agenda will be available at
84 | least 3 days before any regular meeting of the authority. After
85 | the agenda has been made available, change shall be only for
86 | good cause, as determined by the person designated to preside at
87 | the meeting, and stated in the record. Special or emergency
88 | meetings may be called by the chair upon no less than 24 hours'
89 | notice. The authority shall publish and thereafter codify and
90 | index all rules, regulations, and resolutions formulated,
91 | adopted, or used by the authority in the discharge of its
92 | functions. Such rules, regulations, and resolutions shall be
93 | made available for public inspection and copying, at no more
94 | than cost. The authority shall not be deemed an "agency" within
95 | the meaning of chapter 120, Florida Statutes. The authority
96 | shall be deemed to be an "agency" within the meaning of chapter
97 | 119, Florida Statutes, and all records of the authority shall be
98 | open to the public. The authority shall be deemed an "agency" or
99 | "authority of the county" for purposes of section 286.011,
100 | Florida Statutes, the "Government in the Sunshine Law." The

101 authority shall be entitled to the protections of sovereign
102 immunity under section 768.28, Florida Statutes. In addition to
103 the provisions of the Code of Ethics for Public Officers and
104 Employees, part III of chapter 112, Florida Statutes, no
105 consultant to the authority shall have or hold any employment or
106 contractual relationship with a business entity other than the
107 authority in connection with any contract in which the
108 consultant personally participated through decision, approval,
109 disapproval, recommendation, rendering of advice, or
110 investigation while the consultant. However, this provision
111 shall not preclude the award of any contract to a consultant if
112 such contract is awarded after open competitive bidding, and if
113 the consultant submits the low bid.

114 Section 5. Powers.—

115 (a) The authority shall have all powers and authorities
116 necessary, convenient, or desirable to accomplish the purposes
117 of this act. In furtherance thereof, the authority shall have:

118 (3) All powers granted to municipalities with regard to
119 sewage collection and disposal and water supply ~~granted to~~
120 ~~municipalities~~ pursuant to chapters 170 and 180, Florida
121 Statutes, including the issuance of bonds or notes in
122 anticipation thereof payable from special assessments under
123 chapter 170, Florida Statutes.

124 (16) Notwithstanding any other law, the power to implement
125 policies and procedures within its code for the procurement of

126 commodities and contractual services under chapter 287, Florida
127 Statutes, and tailor such policies and procedures to the
128 specific needs and capabilities of the authority.

129 Section 9. Rate setting procedure.—

130 (g) (1) Except as hereinafter provided in paragraph (2), no
131 assessments, rates, fees, or charges shall be fixed under the
132 foregoing provisions of this section until after a public
133 hearing at which all of the users of the authority's facilities
134 and owners, tenants, and occupants of property served or to be
135 served thereby and all others interested shall have an
136 opportunity to be heard concerning the proposed assessments,
137 rates, fees, and charges. After the adoption by the authority of
138 a resolution setting forth the preliminary schedule or schedules
139 fixing such assessments, rates, fees, and charges, notice of
140 such public hearing setting forth the schedule or schedules of
141 assessments, rates, fees, and charges shall be given:

142 a. By publication in a newspaper of general circulation in
143 the affected area;

144 b. By mail to all persons and organizations that have made
145 requests for advance notice of the authority's proceedings; and

146 c. By posting on the authority's website ~~in appropriate~~
147 ~~places so that affected persons may be duly notified.~~

148
149 Such publication, mailing, and posting of notice shall occur at
150 least 14 days prior to the public hearing. Such hearing may be

151 adjourned from time to time. After such hearing, such
152 preliminary schedule or schedules, either as originally adopted
153 or as modified or amended, shall be adopted and put into effect.
154 The assessments, rates, fees, or charges so fixed for any users
155 or property served shall be extended to cover any additional
156 users or property thereafter served that fall within the same
157 class or classes without the necessity of any hearing or notice.

158 Section 10. Personnel.—

159 (a) The authority is empowered to appoint, remove, and
160 suspend employees or agents of the authority and fix their
161 compensation within the guidelines established by the Emerald
162 Coast Utilities Authority Human Resources Manual and Employee
163 Handbook ~~Escambia County Civil Service Rules~~.

164 ~~(f) Employees of the authority are subject to the civil~~
165 ~~service system of Escambia County and to the policies and rules~~
166 ~~of the Civil Service Board.~~

167 Section 11. Personnel appeals board.—The authority shall
168 handle all employee matters pursuant to the Emerald Coast
169 Utilities Authority Human Resources Manual and Employee
170 Handbook, including discipline procedures, corrective action,
171 termination of employees, and appeals.

172 ~~(a) There shall be appointed a personnel appeals board~~
173 ~~comprised of two members appointed by the authority, two members~~
174 ~~chosen by employees of the authority classified below the level~~
175 ~~of department head, and one member appointed by the other four~~

176 ~~members. The members of the board shall serve a term of 1 year.~~
177 ~~An appointment to a vacant position on the board shall be filled~~
178 ~~in the manner of the original appointment to that position. The~~
179 ~~board shall hear appeals from suspensions, demotions, or~~
180 ~~dismissals or of employees of the authority classified below the~~
181 ~~level of department head and not designated as other key staff~~
182 ~~personnel by the authority as provided in section 13. The~~
183 ~~decisions of the board on such appeals shall be final, subject~~
184 ~~to review by the Circuit Court of Escambia County. The board may~~
185 ~~investigate and make recommendations to the executive director~~
186 ~~of the authority on major policy and procedural questions~~
187 ~~relating to personnel management and on individual grievances by~~
188 ~~employees. However, the recommendations of the board on such~~
189 ~~matters shall be advisory only. The board may employ legal~~
190 ~~counsel, and a reasonable budget for such purpose shall be~~
191 ~~provided by the authority. The executive director of the~~
192 ~~authority shall provide the administrative services required by~~
193 ~~the board.~~

194 ~~(b) Notwithstanding anything provided herein or in any~~
195 ~~special or general act to the contrary, the rights and benefits~~
196 ~~herein granted shall be in lieu of and substitution for any~~
197 ~~rights and benefits such employees may have had under any civil~~
198 ~~service or personnel system of the City of Pensacola or Escambia~~
199 ~~County.~~

200 Section 12. Process and procedure.—

201 (a) Any person wishing to appeal a termination of
202 services; assessment of fees, charges, or fines; notice of claim
203 of lien; or increase in security deposit ~~an action of the~~
204 ~~authority~~ that directly affects his or her substantial interests
205 may file a petition for review within 10 days after ~~of~~ the date
206 the complained of action is taken. The authority shall consider
207 such petitions for review and shall take action at a public
208 meeting to grant or deny such petitions within 40 days after ~~of~~
209 receipt.

210 Section 13. Executive director.—The authority shall employ
211 and fix the compensation of an executive director, who shall
212 manage the affairs of the utilities systems under the
213 supervision of the authority and direct the activities of the
214 employees of the authority. The executive director shall devote
215 his or her entire working time to the performance of his or her
216 duties and not have outside employment or business. The
217 executive director shall be a college graduate. The executive
218 director must either possess a degree in science, engineering,
219 business management, or public administration or, alternatively,
220 must be a licensed and registered engineer. The executive
221 director shall have at least 6 years of experience in the field
222 of engineering, operations, or management of a utility system of
223 size comparable to or larger than the water and sewer system of
224 the Emerald Coast Utilities Authority at the time of the vacancy
225 of the position ~~City of Pensacola in 1981~~. The authority may

226 | allow the substitution of additional years of administrative or
227 | management experience in lieu of the specific educational or
228 | professional requirements set forth above. The executive
229 | director, the assistant executive director, the department
230 | heads, and such other key staff personnel so designated by the
231 | authority shall not be included within any civil service system
232 | or be under the jurisdiction of the personnel appeals board.

233 | Section 16. Management efficiency audit.—The authority
234 | shall contract for a management efficiency audit by a private
235 | firm within 1 year after the effective date of this act, and at
236 | intervals of at least 5 years thereafter, to review program
237 | results and make recommendations for the proper, efficient, and
238 | economical operation and maintenance of the utilities systems,
239 | facilities, and functions under supervision of the authority.

240 | Section 2. This act shall take effect upon becoming a law.