

26 | the Board of County Commissioners of Escambia County
27 | (hereinafter referred to as the "Board"). Each member shall be
28 | an elector of the district from which he or she is elected and
29 | shall be elected by the qualified electors of that respective
30 | district. Members elected for Districts Two and Four at the
31 | general election held in 1984 shall be elected to a 2-year term.
32 | Members elected for Districts One, Three, and Five at the
33 | general election held in 1984 shall serve for a 4-year term.
34 | Thereafter each member shall be elected for a term of 4 years.
35 | Beginning in 1996, the term of office of each member shall
36 | commence on the second Tuesday following the general election in
37 | which such member is elected. Upon the expiration of a term of
38 | office, a successor to the office shall be elected as designated
39 | in this paragraph; however, upon the occasion of a vacancy for
40 | any elected office which vacancy occurs prior to the expiration
41 | of the then present term of that office, a successor shall be
42 | appointed by the Governor and the successor shall be a resident
43 | of the district in which the vacancy occurred. Any person
44 | appointed to fill a vacancy shall be appointed to serve only for
45 | the unexpired term and until a successor is duly elected. If the
46 | Governor fails to make an appointment within 90 days after the
47 | date of the vacancy, the chair of the Board shall nominate two
48 | persons from the district in which the vacancy occurred as
49 | potential candidates to fill the vacancy. The remaining members,
50 | excluding the chair, shall select by majority vote one of the

51 two nominees to fill the vacancy.

52 (c) Members shall be eligible for reelection. Any person
53 elected to three consecutive full terms as a member of the Board
54 subsequent to July 1, 2021, is not eligible for election to the
55 Board for the next succeeding term.

56 (f) The authority shall elect a chair and a vice chair
57 from the members of the authority, each of whom shall serve for
58 1 year or until his or her successor is chosen. The chair, or
59 the vice chair in the chair's absence, shall preside at all
60 meetings of the authority and shall perform such additional
61 duties prescribed by the members or in the bylaws of the
62 authority. The authority shall hold regular meetings at least
63 monthly at such times and places as it may designate and may
64 hold more frequent special meetings. A majority of the
65 membership shall constitute a quorum for the purpose of meeting
66 and transacting business. Each member of the authority shall
67 have one vote. The authority may adopt bylaws and may make all
68 policies, procedures, rules, and regulations not inconsistent
69 with this act which it may deem necessary respecting the conduct
70 of its affairs, including, but not limited to, the operation of
71 its utility systems. Such policies, procedures, rules, and
72 regulations shall provide for notice of all public meetings and
73 shall provide that an agenda shall be prepared by the authority
74 in time to ensure that a copy of the agenda will be available at
75 least 3 days before any regular meeting of the authority. After

76 | the agenda has been made available, change shall be only for
77 | good cause, as determined by the person designated to preside at
78 | the meeting, and stated in the record. Special or emergency
79 | meetings may be called by the chair upon no less than 24 hours'
80 | notice. The authority shall publish and thereafter codify and
81 | index all rules, regulations, and resolutions formulated,
82 | adopted, or used by the authority in the discharge of its
83 | functions. Such rules, regulations, and resolutions shall be
84 | made available for public inspection and copying, at no more
85 | than cost. The authority shall not be deemed an "agency" within
86 | the meaning of chapter 120, Florida Statutes. The authority
87 | shall be deemed to be an "agency" within the meaning of chapter
88 | 119, Florida Statutes, and all records of the authority shall be
89 | open to the public. The authority shall be deemed an "agency" or
90 | "authority of the county" for purposes of section 286.011,
91 | Florida Statutes, the "Government in the Sunshine Law." The
92 | authority is entitled to the protections of sovereign immunity
93 | under section 768.28, Florida Statutes. In addition to the
94 | provisions of the Code of Ethics for Public Officers and
95 | Employees, part III of chapter 112, Florida Statutes, no
96 | consultant to the authority shall have or hold any employment or
97 | contractual relationship with a business entity other than the
98 | authority in connection with any contract in which the
99 | consultant personally participated through decision, approval,
100 | disapproval, recommendation, rendering of advice, or

101 investigation while the consultant. However, this provision
102 shall not preclude the award of any contract to a consultant if
103 such contract is awarded after open competitive bidding, and if
104 the consultant submits the low bid.

105 Section 10. Personnel.—

106 (a) The authority is empowered to appoint, remove, and
107 suspend employees or agents of the authority and fix their
108 compensation within the guidelines established by the ECUA Human
109 Resource Manual and Employee Handbook ~~Escambia County Civil~~
110 ~~Service Rules.~~

111 ~~(f) Employees of the authority are subject to the civil~~
112 ~~service system of Escambia County and to the policies and rules~~
113 ~~of the Civil Service Board.~~

114 Section 11. Personnel appeals ~~board.~~ The authority shall
115 handle all personnel matters pursuant to the ECUA Human Resource
116 Manual and Employee Handbook, including discipline procedures,
117 corrective action, termination of employees, and appeals.

118 ~~(a) There shall be appointed a personnel appeals board~~
119 ~~comprised of two members appointed by the authority, two members~~
120 ~~chosen by employees of the authority classified below the level~~
121 ~~of department head, and one member appointed by the other four~~
122 ~~members. The members of the board shall serve a term of 1 year.~~
123 ~~An appointment to a vacant position on the board shall be filled~~
124 ~~in the manner of the original appointment to that position. The~~
125 ~~board shall hear appeals from suspensions, demotions, or~~

126 ~~dismissals or of employees of the authority classified below the~~
 127 ~~level of department head and not designated as other key staff~~
 128 ~~personnel by the authority as provided in section 13. The~~
 129 ~~decisions of the board on such appeals shall be final, subject~~
 130 ~~to review by the Circuit Court of Escambia County. The board may~~
 131 ~~investigate and make recommendations to the executive director~~
 132 ~~of the authority on major policy and procedural questions~~
 133 ~~relating to personnel management and on individual grievances by~~
 134 ~~employees. However, the recommendations of the board on such~~
 135 ~~matters shall be advisory only. The board may employ legal~~
 136 ~~counsel, and a reasonable budget for such purpose shall be~~
 137 ~~provided by the authority. The executive director of the~~
 138 ~~authority shall provide the administrative services required by~~
 139 ~~the board.~~

140 ~~(b) Notwithstanding anything provided herein or in any~~
 141 ~~special or general act to the contrary, the rights and benefits~~
 142 ~~herein granted shall be in lieu of and substitution for any~~
 143 ~~rights and benefits such employees may have had under any civil~~
 144 ~~service or personnel system of the City of Pensacola or Escambia~~
 145 ~~County.~~

146 Section 12. Process and procedure.—

147 (a) Any person wishing to appeal a termination of
 148 services; assessment of fees, charges, or fines; notice of claim
 149 of lien; or increase in security deposit ~~an action of the~~
 150 ~~authority~~ that directly affects his or her substantial interests

151 | may file a petition for review within 10 days after ~~of~~ the date
 152 | the ~~complained of~~ action is taken. The authority shall consider
 153 | such petitions for review and shall take action at a public
 154 | meeting to grant or deny such petitions within 40 days after ~~of~~
 155 | receipt.

156 | Section 13. Executive director.—The authority shall employ
 157 | and fix the compensation of an executive director, who shall
 158 | manage the affairs of the utilities systems under the
 159 | supervision of the authority and direct the activities of the
 160 | employees of the authority. The executive director shall devote
 161 | his or her entire working time to the performance of his or her
 162 | duties and not have outside employment or business. The
 163 | executive director shall be a college graduate. The executive
 164 | director must either possess a degree in science, engineering,
 165 | business management, or public administration or, alternatively,
 166 | must be a licensed and registered engineer. The executive
 167 | director shall have at least 6 years of experience in the field
 168 | of engineering, operations, or management of a utility system of
 169 | size comparable to or larger than the water and sewer system of
 170 | the Emerald Coast Utilities Authority at the time of the vacancy
 171 | of the position City of Pensacola in 1981. The authority may
 172 | allow the substitution of additional years of administrative or
 173 | management experience in lieu of the specific educational or
 174 | professional requirements set forth above. ~~The executive~~
 175 | ~~director, the assistant executive director, the department~~

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176 | ~~heads, and such other key staff personnel so designated by the~~
177 | ~~authority shall not be included within any civil service system~~
178 | ~~or be under the jurisdiction of the personnel appeals board.~~

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