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CS/HB 1583

2022 Legislature

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 2 An act relating to Emerald Coast Utilities Authority,
 3 Escambia County; amending ch. 2001-324, Laws of
 4 Florida; providing requirements for filling vacancies
 5 on the Emerald Coast Utilities Authority; prohibiting
 6 certain members from reelection under certain
 7 circumstances; revising personnel guidelines; removing
 8 a personnel appeals board; revising the personnel
 9 appeals process and procedure; revising the
 10 qualifications for the executive director; removing
 11 the exclusion of certain personnel from civil service
 12 protections; providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Subsections (b) and (c) of section 4,
 17 subsections (a) and (f) of section 10, section 11, subsection
 18 (a) of section 12, and section 13 of section 3 of chapter 2001-
 19 324, Laws of Florida, are amended to read:

20 Section 4. Governing body.—

21 (b) Members shall be elected, in the primary and general
 22 elections held in 1984, by districts under the district plan of
 23 the Board of County Commissioners of Escambia County
 24 (hereinafter referred to as the "Board"). Each member shall be
 25 an elector of the district from which he or she is elected and

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

49 | (c) Members shall be eligible for reelection. Any person
50 | elected to two consecutive full terms as a member of the Board

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51 subsequent to July 1, 2021, is not eligible for election to the
 52 Board for the next succeeding term.

53 Section 10. Personnel.—

54 (a) The authority may adopt policies for the appointment,
 55 removal, or suspension of ~~is empowered to appoint, remove, and~~
 56 ~~suspend~~ employees or agents of the authority and fix their
 57 compensation, which policies shall be no less protective than
 58 the protections required under part II of chapter 110, Florida
 59 Statutes ~~within the guidelines established by the Escambia~~
 60 ~~County Civil Service Rules.~~

61 ~~(f) Employees of the authority are subject to the civil~~
 62 ~~service system of Escambia County and to the policies and rules~~
 63 ~~of the Civil Service Board.~~

64 Section 11. Personnel disciplinary proceedings ~~appeals~~
 65 ~~board.~~—The authority shall conduct all employee or agent
 66 disciplinary proceedings according to its policies adopted
 67 pursuant to section 10, which shall be no less protective than
 68 the rules of the Department of Management Services, or its
 69 successor, adopted pursuant to s. 110.227, Florida Statutes, as
 70 may be subsequently amended, including, without limitation,
 71 proceedings for corrective action, termination of employees or
 72 agents, and appeals. Notwithstanding the foregoing, nothing
 73 contained herein shall be deemed to subject the authority to the
 74 jurisdiction of the Department of Management Services, including
 75 the authority within the definition of the term "agency" for

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76 purposes of chapter 110, Florida Statutes, or to require appeals
 77 to be handled by the Public Employees Relations Commission. The
 78 authority may engage the services of administrative law judges
 79 through the Division of Administrative Hearings to render
 80 nonbinding recommended orders to the executive director for such
 81 appeals.

82 ~~(a) There shall be appointed a personnel appeals board~~
 83 ~~comprised of two members appointed by the authority, two members~~
 84 ~~chosen by employees of the authority classified below the level~~
 85 ~~of department head, and one member appointed by the other four~~
 86 ~~members. The members of the board shall serve a term of 1 year.~~
 87 ~~An appointment to a vacant position on the board shall be filled~~
 88 ~~in the manner of the original appointment to that position. The~~
 89 ~~board shall hear appeals from suspensions, demotions, or~~
 90 ~~dismissals or of employees of the authority classified below the~~
 91 ~~level of department head and not designated as other key staff~~
 92 ~~personnel by the authority as provided in section 13. The~~
 93 ~~decisions of the board on such appeals shall be final, subject~~
 94 ~~to review by the Circuit Court of Escambia County. The board may~~
 95 ~~investigate and make recommendations to the executive director~~
 96 ~~of the authority on major policy and procedural questions~~
 97 ~~relating to personnel management and on individual grievances by~~
 98 ~~employees. However, the recommendations of the board on such~~
 99 ~~matters shall be advisory only. The board may employ legal~~
 100 ~~counsel, and a reasonable budget for such purpose shall be~~

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101 ~~provided by the authority. The executive director of the~~
 102 ~~authority shall provide the administrative services required by~~
 103 ~~the board.~~

104 ~~(b) Notwithstanding anything provided herein or in any~~
 105 ~~special or general act to the contrary, the rights and benefits~~
 106 ~~herein granted shall be in lieu of and substitution for any~~
 107 ~~rights and benefits such employees may have had under any civil~~
 108 ~~service or personnel system of the City of Pensacola or Escambia~~
 109 ~~County.~~

110 Section 12. Process and procedure.-

111 (a) Any person wishing to appeal a termination of
 112 services; assessment of fees, charges, or fines; notice of claim
 113 of lien; or increase in security deposit ~~an action of the~~
 114 ~~authority~~ that directly affects his or her substantial interests
 115 may file a petition for review within 10 days after ~~of~~ the date
 116 the ~~complained of~~ action is taken. The authority shall consider
 117 such petitions for review and shall take action at a public
 118 meeting to grant or deny such petitions within 40 days after ~~of~~
 119 receipt.

120 Section 13. Executive director.-The authority shall employ
 121 and fix the compensation of an executive director, who shall
 122 manage the affairs of the utilities systems under the
 123 supervision of the authority and direct the activities of the
 124 employees of the authority. The executive director shall devote
 125 his or her entire working time to the performance of his or her

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126 | duties and not have outside employment or business. The
127 | executive director shall be a college graduate. The executive
128 | director must either possess a degree in science, engineering,
129 | business management, or public administration or, alternatively,
130 | must be a licensed and registered engineer. The executive
131 | director shall have at least 6 years of experience in the field
132 | of engineering, operations, or management of a utility system of
133 | size comparable to or larger than the water and sewer system of
134 | the Emerald Coast Utilities Authority at the time of the vacancy
135 | of the position City of Pensacola in 1981. The authority may
136 | allow the substitution of additional years of administrative or
137 | management experience in lieu of the specific educational or
138 | professional requirements set forth above. ~~The executive~~
139 | ~~director, the assistant executive director, the department~~
140 | ~~heads, and such other key staff personnel so designated by the~~
141 | ~~authority shall not be included within any civil service system~~
142 | ~~or be under the jurisdiction of the personnel appeals board.~~
143 | Section 2. This act shall take effect upon becoming a law.