

CHAPTER 2022-262

Committee Substitute for House Bill No. 1583

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

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

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

Section 4. Governing body.—

(b) Members shall be elected, in the primary and general elections held in 1984, by districts under the district plan of the Board of County Commissioners of Escambia County (hereinafter referred to as the “Board”). Each member shall be an elector of the district from which he or she is elected and shall be elected by the qualified electors of that respective district. Members elected for Districts Two and Four at the general election held in 1984 shall be elected to a 2-year term. Members elected for Districts One, Three, and Five at the general election held in 1984 shall serve for a 4-year term. Thereafter each member shall be elected for a term of 4 years. Beginning in 1996, the term of office of each member shall commence on the second Tuesday following the general election in which such member is elected. Upon the expiration of a term of office, a successor to the office shall be elected as designated in this paragraph; however, upon the occasion of a vacancy for any elected office which vacancy occurs prior to the expiration of the then present term of that office, a successor shall be appointed by the Governor and the successor shall be a resident of the district in which the vacancy occurred. Any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term and until a successor is duly elected. If the Governor fails to make an appointment within 90 days after the date of the vacancy, the chair of the Board shall nominate two persons from the district in which the vacancy occurred as potential candidates to fill the vacancy. The remaining members, excluding the chair, shall select by majority vote one of the two nominees to fill the vacancy.

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

Section 10. Personnel.—

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

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

Section 11. Personnel disciplinary proceedings appeals board.~~The authority shall conduct all employee or agent disciplinary proceedings according to its policies adopted pursuant to section 10, which shall be no less protective than the rules of the Department of Management Services, or its successor, adopted pursuant to s. 110.227, Florida Statutes, as may be subsequently amended, including, without limitation, proceedings for corrective action, termination of employees or agents, and appeals. Notwithstanding the foregoing, nothing contained herein shall be deemed to subject the authority to the jurisdiction of the Department of Management Services, including the authority within the definition of the term “agency” for purposes of chapter 110, Florida Statutes, or to require appeals to be handled by the Public Employees Relations Commission. The authority may engage the services of administrative law judges through the Division of Administrative Hearings to render nonbinding recommended orders to the executive director for such appeals.~~

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

(b) ~~Notwithstanding anything provided herein or in any special or general act to the contrary, the rights and benefits herein granted shall be in lieu of and substitution for any rights and benefits such employees may~~

have had under any civil service or personnel system of the City of Pensacola or Escambia County.

Section 12. Process and procedure.—

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

Section 13. Executive director.—The authority shall employ and fix the compensation of an executive director, who shall manage the affairs of the utilities systems under the supervision of the authority and direct the activities of the employees of the authority. The executive director shall devote his or her entire working time to the performance of his or her duties and not have outside employment or business. The executive director shall be a college graduate. The executive director must either possess a degree in science, engineering, business management, or public administration or, alternatively, must be a licensed and registered engineer. The executive director shall have at least 6 years of experience in the field of engineering, operations, or management of a utility system of size comparable to or larger than the water and sewer system of the Emerald Coast Utilities Authority at the time of the vacancy of the position City of Pensacola in 1981. The authority may allow the substitution of additional years of administrative or management experience in lieu of the specific educational or professional requirements set forth above. ~~The executive director, the assistant executive director, the department heads, and such other key staff personnel so designated by the authority shall not be included within any civil service system or be under the jurisdiction of the personnel appeals board.~~

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

Approved by the Governor June 24, 2022.

Filed in Office Secretary of State June 24, 2022.