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CS/HB 951

2017 Legislature

1  
2 An act relating to the City of Key West, Monroe  
3 County; amending ch. 69-1911, Laws of Florida, as  
4 amended; providing for board members to be elected by  
5 all voters within the utility board's territory;  
6 revising residency requirements to allow for  
7 representation throughout the board's territory;  
8 changing the requirements of the organizational  
9 meeting; expanding authorized advertising vehicles;  
10 revising piggyback contract provisions; providing an  
11 effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15 Section 1. Sections 1, 2, 3, 5, subsection (8) of section  
16 11, subsection (9) of section 13, and section 19 of chapter 69-  
17 1191, Laws of Florida, as amended by chapters 2007-286 and 2001-  
18 297, Laws of Florida, are amended to read:

19 Section 1. There is hereby created the Utility Board of  
20 the City of Key West, Florida, to be composed of five (5)  
21 members as particularly hereinafter set forth. Such Utility  
22 Board created by this act shall be and is hereby made the  
23 successor to the Utility Board of the City of Key West, Florida,  
24 heretofore created and existing by and under the provisions of  
25 chapter 65-1770, Laws of Florida, Acts of the Legislature Year

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26 | 1965, and acts amendatory thereto. The full, complete and  
27 | exclusive power and right to manage, operate, maintain, control,  
28 | extend, and extend beyond the limits of the City of Key West,  
29 | Florida, improve, finance and re-finance the electric public  
30 | utility now owned by the City of Key West, Florida, and the  
31 | nonexclusive right to build, construct, operate and acquire  
32 | other public utilities, by purchase, gift, grant, lease, rental  
33 | or otherwise, from time to time, from the United States  
34 | Government, its departments, agencies, bureaus and commissions,  
35 | and from the State of Florida and any of its political  
36 | subdivisions, and corporations which are publicly or privately  
37 | owned or operated, and by the right of eminent domain, shall be  
38 | carried on by such Utility Board composed of five (5) members,  
39 | all of whom shall be elected by the qualified electors of Monroe  
40 | County, Florida, residing within the Utility Board's designated  
41 | service area ~~the City of Key West, Florida,~~ at large, as  
42 | hereinafter set forth. Furthermore, said Utility Board shall  
43 | have the power and right to sell at retail or wholesale certain  
44 | tangible personal property related to its utility services,  
45 | including, but not limited to, generators, protection and  
46 | conservation equipment, and appliances. The term "public  
47 | utility," as used herein, shall include, but not be limited to,  
48 | cable and telecommunication facilities. Nothing herein shall  
49 | grant the right of eminent domain as to cable or  
50 | telecommunication facilities. The name of the Utility Board

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51 shall be "Utility Board of the City of Key West, Florida," and  
 52 said Board shall function and operate as hereinafter provided.  
 53 Said Utility Board shall have the right to sue and be sued, may  
 54 adopt and use a seal and change it at pleasure, and may use in  
 55 the conduct of its business the trade name of "Keys Energy  
 56 Services," the use of which heretofore by its predecessor board  
 57 is approved, confirmed and validated; further, said Utility  
 58 Board may change such trade name and from time to time adopt  
 59 such trade names as it deems expedient and proper in the conduct  
 60 of its business, operations and activities.

61 Section 2. The ~~first~~ election for the nomination or  
 62 election of candidates for members of the Utility Board of said  
 63 city ~~shall be held in 2018~~ shall be concurrent with the election  
 64 for the office of County Commission of Monroe County, Florida ~~no~~  
 65 ~~earlier than forty-five (45) days and no later than sixty (60)~~  
 66 ~~days from the date this act shall become law and on the first~~  
 67 ~~Tuesday in November biannually thereafter, commencing with the~~  
 68 ~~election of 1971 and shall be held concurrent with the election~~  
 69 ~~for the office of City Commission of the City of Key West,~~  
 70 Florida. Such elections shall be non-partisan elections and  
 71 every person voting in said election shall be entitled to vote  
 72 for as many candidates for the utility board as there are  
 73 members to be elected to said board. The name of any qualified  
 74 elector of Monroe County, Florida, residing within the Utility  
 75 Board's designated service area ~~the City of Key West~~ who meets

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76 | the qualifications for member of said Utility Board, as set  
77 | forth in this act, may appear upon the election ballot as a  
78 | candidate for the office of member of the Utility Board, upon  
79 | said elector paying to the Supervisor of Elections of Monroe  
80 | County, Florida, ~~City of Key West, Florida,~~ the sum of one  
81 | hundred dollars (\$100.00) and said sum shall be deposited with  
82 | the supervisor of elections ~~City Clerk of said city~~ at his or  
83 | her office not later than 5:00 p.m. on the date set for the  
84 | closing of qualification by the election officials, for the  
85 | first election under the provisions of this act, and thereafter  
86 | on the dates as published by the supervisor of elections  
87 | biannually ~~the second Tuesday in October~~ of the year in which  
88 | subsequent elections under this act are to be held. A qualifying  
89 | fee for such candidate for such office, and said elector shall  
90 | submit to the supervisor of elections ~~said city clerk~~  
91 | concurrently therewith the sworn statement of his or her name,  
92 | address, occupation, willingness to serve if elected and shall  
93 | indicate on such sworn statement his or her desire for his or  
94 | her name to appear on the ballot as a candidate for such office.  
95 | Provided, however, that any person who holds an elective office  
96 | in the government of the City of Key West, Florida, County of  
97 | Monroe, the State of Florida, or any political agency, board or  
98 | commission is compensated by wages, salaries or otherwise shall  
99 | not be eligible to serve concurrently as a member of the board  
100 | created by this act. Only the name or names of candidates

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101 complying with this section shall appear on the ballot as a  
 102 candidate for nomination or election. No candidate having  
 103 qualified and thereafter withdrawing or becoming disqualified  
 104 under the provisions of this act shall be entitled to a refund  
 105 of the aforesaid qualifying fee paid.

106 Section 3. The Utility Board shall consist of five (5)  
 107 members who shall be elected from the citizens of Monroe County,  
 108 Florida, residing within the Utility Board's designated service  
 109 territory ~~city~~ at large to seats identified as A, B, C, D, or E.  
 110 ~~in groups numbered I, II, III, IV, and V.~~ All persons desiring  
 111 to qualify as for members shall file in seats identified as A,  
 112 B, C, D, or E. Candidates for seats A, B, and C must reside  
 113 within the City of Key West city limits. Candidates for seats D  
 114 and E must reside in Monroe County, Florida, from Stock Island,  
 115 excluding the portion of Stock Island within the City of Key  
 116 West city limits to the northeasternmost end of the Seven Mile  
 117 Bridge. The members running for seats A, B, and D shall be  
 118 elected in the regular general election commencing in 2018 for a  
 119 term of four (4) years and at each general election at large by  
 120 the electors of Monroe County, Florida, residing within the  
 121 Utility Board's designated service territory every four (4)  
 122 years thereafter. Current elected Utility Board members serving  
 123 in Groups II and III shall serve their current four year terms  
 124 until the 2020 general election, when candidates for seats C and  
 125 E shall be elected in the regular general election at large by

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126 | the electors of Monroe County, Florida, residing within the  
 127 | Utility Board's designated service territory commencing in 2020  
 128 | for a term of 4 years and at each general election four (4)  
 129 | years thereafter. ~~in groups numbered I, II, III, IV or V. The~~  
 130 | ~~member in group number I shall be elected in the regular~~  
 131 | ~~municipal general election commencing in 2007 and at each~~  
 132 | ~~general election every four (4) years thereafter. Members in~~  
 133 | ~~groups numbered II and III shall be elected in the special~~  
 134 | ~~general election in 1969 as provided for herein at each regular~~  
 135 | ~~municipal general election each four (4) years thereafter,~~  
 136 | ~~commencing in 1973 and at each general election each (4) years~~  
 137 | ~~thereafter. Members in groups numbered IV and V shall be elected~~  
 138 | ~~at the special general election provided for herein in 1969 and~~  
 139 | ~~at the regular municipal general election to be held in 1971 for~~  
 140 | ~~a term of four (4) years and at each general election thereafter~~  
 141 | ~~for a term of four (4) years.~~ All members shall hold office  
 142 | until their successors are elected and qualified from 12:00 noon  
 143 | of the day after the canvas of the vote and the declaration of  
 144 | the results of the election. All members shall be subject to  
 145 | removal for good and sufficient cause by a four-fifths (<sup>4</sup>/<sub>5</sub>) vote  
 146 | of the city commission. If a candidate for member receives a  
 147 | majority of votes in the primary election in the candidate's  
 148 | group, the candidate shall be considered elected upon and after  
 149 | the canvas of the vote and the declaration of the result of the  
 150 | election as hereinafter provided. If there is no majority, two

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151 (2) candidates for nomination to the office of member who  
 152 receive ~~receives~~ the greatest vote in the primary election each  
 153 group shall be placed on the ballot at the next regular or  
 154 special municipal general election following the primary as  
 155 provided in the county ~~city~~ charter of Monroe County ~~the City of~~  
 156 ~~Key West~~, Florida. The candidate for nomination receiving the  
 157 greater vote in the regular or special municipal general  
 158 election following the primary election if otherwise qualified  
 159 shall be elected to office from the group in which candidate is  
 160 qualified. One (1) of said members shall serve as Chairperson of  
 161 the Utility Board. The Chairperson shall be selected from the  
 162 five (5) members by the five (5) members during an  
 163 organizational meeting at the first regular Utility Board  
 164 meeting after candidates are qualified and sworn in to office by  
 165 the City Clerk in December ~~immediately following an election~~ and  
 166 serve as such until the next organizational meeting following an  
 167 election. A member may serve as Chairperson for consecutive  
 168 terms.

169 Section 5. (1) The full names of all candidates nominated  
 170 for membership in the Utility Board, except those who have  
 171 withdrawn, died, or become ineligible, shall be printed on the  
 172 official ballots of Monroe County ~~the City of Key West~~, Florida,  
 173 without party designation or symbol. If two (2) or more  
 174 candidates have the same surname, or surnames so similar as to  
 175 be likely to cause confusion, each candidate may submit an

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176 identifying name by which he or she is commonly known. If no  
 177 such selection shall be made by the candidate, their residence  
 178 addresses shall be printed with their names on the ballot.

179 (2) A regularly nominated candidate shall be entitled,  
 180 upon written application to the election authorities at least  
 181 five (5) days before the election, to appoint two (2) persons to  
 182 represent him as watchers and challengers at each polling place  
 183 where voters may cast their ballots for him. A person so  
 184 appointed shall have all the rights and privileges prescribed  
 185 for watchers and challengers by or under the general election  
 186 laws of the State of Florida. The watchers and challengers may  
 187 exercise their rights throughout the voting and until the  
 188 ballots have been counted.

189 Section 11.

190 (8) ADVERTISING.—The Utility Board is hereby authorized to  
 191 purchase advertising ~~including, but not limited to, advertising~~  
 192 from recognized, established advertising media, ~~such as~~  
 193 ~~newspapers, radio and television,~~ as a proper expenditure of the  
 194 system. The Utility Board may make expenditures that are  
 195 reasonable and necessary for advertising the Board's utility  
 196 systems including advertising events and programs which are  
 197 sponsored by the Utility Board or in which the Utility Board  
 198 participates. Furthermore, nothing in this paragraph shall be  
 199 construed to prevent the Utility Board from sponsoring  
 200 charitable events or events which would benefit the Utility

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201 Board or its utility system or systems.

202 Section 13.

203 (9) LOCAL, STATE, AND FEDERAL CONTRACTS.—All purchases of  
204 commodities or contractual services under the provisions of  
205 local, state, and federal purchasing contracts shall be exempt  
206 from the competitive procurement requirements, provided that the  
207 following criteria are all satisfied:

208 (a) The terms and conditions of the original contract or  
209 approved renewal or extension by the federal, state or local  
210 government or electric cooperative in their original form, or a  
211 negotiated form more favorable to the Utility Board, are  
212 satisfactory to the Utility Board.

213 (b) The original contract or approved renewal or extension  
214 by the federal, state, or local government or electric  
215 cooperative are executed within twenty-four (24) months prior to  
216 the proposed purchase of commodities or services by the Utility  
217 Board.

218 (c) The purchasing agent has performed an informal  
219 solicitation to determine if the prices of the original contract  
220 are fair and reasonable, and to assure local vendors have an  
221 opportunity to compete.

222 (d) The Utility Board authorizes such procurement when the  
223 cost of the commodities (materials) or contractual services  
224 (labor and materials) exceeds the amounts as established by  
225 resolution adopted by the Utility Board.

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226           Section 19. Members of said Utility Board, and agents and  
227 employees of said board traveling on official business should be  
228 reimbursed for travel and expenses in accordance with  
229 resolutions or policies adopted by the Utility Board.

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