

## CHAPTER 2017-204

### Committee Substitute for House Bill No. 951

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

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

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

Section 1. There is hereby created the Utility Board of the City of Key West, Florida, to be composed of five (5) members as particularly hereinafter set forth. Such Utility Board created by this act shall be and is hereby made the successor to the Utility Board of the City of Key West, Florida, heretofore created and existing by and under the provisions of chapter 65-1770, Laws of Florida, Acts of the Legislature Year 1965, and acts amendatory thereto. The full, complete and exclusive power and right to manage, operate, maintain, control, extend, and extend beyond the limits of the City of Key West, Florida, improve, finance and re-finance the electric public utility now owned by the City of Key West, Florida, and the nonexclusive right to build, construct, operate and acquire other public utilities, by purchase, gift, grant, lease, rental or otherwise, from time to time, from the United States Government, its departments, agencies, bureaus and commissions, and from the State of Florida and any of its political subdivisions, and corporations which are publicly or privately owned or operated, and by the right of eminent domain, shall be carried on by such Utility Board composed of five (5) members, all of whom shall be elected by the qualified electors of Monroe County, Florida, residing within the Utility Board's designated service area the City of Key West, Florida, at large, as hereinafter set forth. Furthermore, said Utility Board shall have the power and right to sell at retail or wholesale certain tangible personal property related to its utility services, including, but not limited to, generators, protection and conservation equipment, and appliances. The term "public utility," as used herein, shall include, but not be limited to, cable and telecommunication facilities. Nothing herein shall grant the right of eminent domain as to cable or telecommunication facilities. The name of the Utility Board shall be "Utility Board of the City of Key West, Florida," and said Board shall function and operate as hereinafter provided. Said Utility Board shall have the right to sue and be sued, may adopt and use a seal and change it at pleasure, and may use in the conduct of its business the trade name of "Keys Energy Services," the use of which heretofore by its predecessor board is approved,

confirmed and validated; further, said Utility Board may change such trade name and from time to time adopt such trade names as it deems expedient and proper in the conduct of its business, operations and activities.

Section 2. ~~The first election for the nomination or election of candidates for members of the Utility Board of said city shall be held in 2018 shall be concurrent with the election for the office of County Commission of Monroe County, Florida no earlier than forty-five (45) days and no later than sixty (60) days from the date this act shall become law and on the first Tuesday in November biannually thereafter, commencing with the election of 1971 and shall be held concurrent with the election for the office of City Commission of the City of Key West, Florida.~~ Such elections shall be non-partisan elections and every person voting in said election shall be entitled to vote for as many candidates for the utility board as there are members to be elected to said board. The name of any qualified elector of Monroe County, Florida, residing within the Utility Board's designated service area ~~the City of Key West~~ who meets the qualifications for member of said Utility Board, as set forth in this act, may appear upon the election ballot as a candidate for the office of member of the Utility Board, upon said elector paying to the Supervisor of Elections of Monroe County, Florida, City of Key West, Florida, the sum of one hundred dollars (\$100.00) and said sum shall be deposited with the supervisor of elections ~~City Clerk of said city~~ at his or her office not later than 5:00 p.m. on the date set for the closing of qualification by the election officials, for the first election under the provisions of this act, and thereafter on the dates as published by the supervisor of elections biannually ~~the second Tuesday in October~~ of the year in which subsequent elections under this act are to be held. A qualifying fee for such candidate for such office, and said elector shall submit to the supervisor of elections ~~said city clerk~~ concurrently therewith the sworn statement of his or her name, address, occupation, willingness to serve if elected and shall indicate on such sworn statement his or her desire for his or her name to appear on the ballot as a candidate for such office. Provided, however, that any person who holds an elective office in the government of the City of Key West, Florida, County of Monroe, the State of Florida, or any political agency, board or commission is compensated by wages, salaries or otherwise shall not be eligible to serve concurrently as a member of the board created by this act. Only the name or names of candidates complying with this section shall appear on the ballot as a candidate for nomination or election. No candidate having qualified and thereafter withdrawing or becoming disqualified under the provisions of this act shall be entitled to a refund of the aforesaid qualifying fee paid.

Section 3. The Utility Board shall consist of five (5) members who shall be elected from the citizens of Monroe County, Florida, residing within the Utility Board's designated service territory ~~city~~ at large to seats identified as A, B, C, D, or E. in groups numbered I, II, III, IV, and V. All persons desiring to qualify as for members shall file in seats identified as A, B, C, D, or E. Candidates for seats A, B, and C must reside within the City of Key West city limits. Candidates for seats D and E must reside in Monroe County, Florida, from Stock Island, excluding the portion of Stock Island within the City of

Key West city limits to the northeasternmost end of the Seven Mile Bridge. The members running for seats A, B, and D shall be elected in the regular general election commencing in 2018 for a term of four (4) years and at each general election at large by the electors of Monroe County, Florida, residing within the Utility Board's designated service territory every four (4) years thereafter. Current elected Utility Board members serving in Groups II and III shall serve their current four year terms until the 2020 general election, when candidates for seats C and E shall be elected in the regular general election at large by the electors of Monroe County, Florida, residing within the Utility Board's designated service territory commencing in 2020 for a term of 4 years and at each general election four (4) years thereafter, in groups numbered I, II, III, IV or V. The member in group number I shall be elected in the regular municipal general election commencing in 2007 and at each general election every four (4) years thereafter. Members in groups numbered II and III shall be elected in the special general election in 1969 as provided for herein at each regular municipal general election each four (4) years thereafter, commencing in 1973 and at each general election each (4) years thereafter. Members in groups numbered IV and V shall be elected at the special general election provided for herein in 1969 and at the regular municipal general election to be held in 1971 for a term of four (4) years and at each general election thereafter for a term of four (4) years. All members shall hold office until their successors are elected and qualified from 12:00 noon of the day after the canvas of the vote and the declaration of the results of the election. All members shall be subject to removal for good and sufficient cause by a four-fifths ( $\frac{4}{5}$ ) vote of the city commission. If a candidate for member receives a majority of votes in the primary election in the candidate's group, the candidate shall be considered elected upon and after the canvas of the vote and the declaration of the result of the election as hereinafter provided. If there is no majority, two (2) candidates for nomination to the office of member who receive receives the greatest vote in the primary election each group shall be placed on the ballot at the next regular or special municipal general election following the primary as provided in the county city charter of Monroe County the City of Key West, Florida. The candidate for nomination receiving the greater vote in the regular or special municipal general election following the primary election if otherwise qualified shall be elected to office from the group in which candidate is qualified. One (1) of said members shall serve as Chairperson of the Utility Board. The Chairperson shall be selected from the five (5) members by the five (5) members during an organizational meeting at the first regular Utility Board meeting after candidates are qualified and sworn in to office by the City Clerk in December immediately following an election and serve as such until the next organizational meeting following an election. A member may serve as Chairperson for consecutive terms.

Section 5. (1) The full names of all candidates nominated for membership in the Utility Board, except those who have withdrawn, died, or become ineligible, shall be printed on the official ballots of Monroe County the City of Key West, Florida, without party designation or symbol. If two (2) or more candidates have the same surname, or surnames so similar as to be likely to

cause confusion, each candidate may submit an identifying name by which he or she is commonly known. If no such selection shall be made by the candidate, their residence addresses shall be printed with their names on the ballot.

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

#### Section 11.

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

#### Section 13.

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

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

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

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

(d) The Utility Board authorizes such procurement when the cost of the commodities (materials) or contractual services (labor and materials)

exceeds the amounts as established by resolution adopted by the Utility Board.

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

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

Approved by the Governor June 6, 2017.

Filed in Office Secretary of State June 6, 2017.