

1 A bill to be entitled
2 An act relating to the City of Key West, Monroe County;
3 amending chapter 69-1191, Laws of Florida; changing the
4 name of the City Electric System to "Keys Energy
5 Services"; revising the term for the board member
6 representing group I; providing for selection of the
7 chairperson; revising requirements and the time allowed
8 for the filling of a vacancy; providing that the board
9 does not need certain approval for the issuing of bonds;
10 removing certain residency requirements for senior citizen
11 and disabled veteran discounts; removing a surety
12 requirement for contractors improving or repairing the
13 electric system; providing that the board may accept the
14 lowest cost or best bid for construction projects;
15 providing the public notice requirements before a sealed
16 bid may be opened; providing that terms of a renewed or
17 extended contract must be satisfactory to the board;
18 providing that a contract or extended or renewed contract
19 must be executed within 24 months prior to the proposed
20 purchase of commodities or services by the board;
21 providing for surplus property; providing for disposition
22 of assets of the utility; providing that the board shall
23 adopt resolutions setting certain reimbursements; revising
24 the appraisal requirements necessary for the utility board
25 to purchase land; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:
28

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29 Section 1. Sections 1, 2, 3, 6, 11, 13, 15, 16, 19, and 20
30 of chapter 69-1191, Laws of Florida, as amended, are amended to
31 read:

32 Section 1. There is hereby created the Utility Board of
33 the City of Key West, Florida, to be composed of five (5)
34 members as particularly hereinafter set forth. Such Utility
35 Board created by this act shall be and is hereby made the
36 successor to the Utility board of the City of Key West, Florida,
37 heretofore created and existing by and under the provisions of
38 chapter 65-1770, Laws of Florida, Acts of the Legislature Year
39 1965, and acts amendatory thereto. The full, complete and
40 exclusive power and right to manage, operate, maintain, control,
41 extend, and extend beyond the limits of the City of Key West,
42 Florida, ~~in~~ improve, finance and re-finance the electric public
43 utility now owned by the City of Key West, Florida, and the
44 nonexclusive right to build, construct, operate and acquire
45 other public utilities, by purchase, gift, grant, lease, rental
46 or otherwise, from time to time, from the United States
47 Government, its departments, agencies, bureaus and commissions,
48 and from the State of Florida and any of its political
49 subdivisions, and corporations which are publicly or privately
50 owned or operated, and by the right of eminent domain, shall be
51 carried on by such Utility Board composed of five (5) members,
52 all of whom shall be elected by the qualified electors of the
53 City of Key West, Florida, at large, as hereinafter set forth.
54 Furthermore, said Utility Board shall have the power and right
55 to sell at retail or wholesale certain tangible personal
56 property related to its utility services, including, but not

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57 limited to, generators, protection and conservation equipment,
58 and appliances. The term "public utility," as used herein, shall
59 include, but not be limited to, cable and telecommunication
60 facilities. Nothing herein shall grant the right of eminent
61 domain as to cable or telecommunication facilities. The name of
62 the Utility Board shall be "Utility Board of the City of Key
63 West, Florida," and said Board shall function and operate as
64 hereinafter provided. Said Utility Board shall have the right to
65 sue and be sued, may adopt and use a seal and change it at
66 pleasure, and may use in the conduct of its business the trade
67 name of "Keys Energy Services," ~~"City Electric System,"~~ the use
68 of which heretofore by its predecessor board is approved,
69 confirmed and validated; further, said Utility Board may change
70 such trade name and from time to time adopt such trade names as
71 it deems expedient and proper in the conduct of its business,
72 operations and activities.

73 Section 2. The first election for the nomination or
74 election of candidates for members of the Utility Board of said
75 city shall be held no earlier than forty-five (45) days and no
76 later than sixty (60) days from the date this act shall become
77 law and on the first Tuesday in November biannually thereafter,
78 commencing with the election of 1971 and shall be held
79 concurrent with the election for the office of City Commission
80 of the City of Key West, Florida. Such elections shall be non-
81 partisan elections and every person voting in said election
82 shall be entitled to vote for as many candidates for the utility
83 board as there are members to be elected to said board. The name
84 of any qualified elector of the City of Key West who meets the

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85 | qualifications for ~~chairman and~~ member of said utility board, as
86 | set forth in this act, may appear upon the election ballot as a
87 | candidate for the office of ~~chairman/member or~~ member of the
88 | utility board, upon said elector paying to the City of Key West,
89 | Florida, the sum of one hundred dollars (\$100.00) and said sum
90 | shall be deposited with the City Clerk of said city at his
91 | office not later than 5:00 p.m. on the date set for the closing
92 | of qualification by the election officials, for the first
93 | election under the provisions of this act, and thereafter the
94 | second Tuesday in October of the year in which subsequent
95 | elections under this act are to be held. A qualifying fee for
96 | such candidate for such office, and said elector shall submit to
97 | the said city clerk concurrently therewith the sworn statement
98 | of his or her name, address, occupation, willingness to serve if
99 | elected and shall indicate on such sworn statement his or her
100 | desire for his or her name to appear on the ballot as a
101 | candidate for such office. Provided, however, that any person
102 | who holds an elective office in the government of the City of
103 | Key West, Florida, County of Monroe, the State of Florida, or
104 | any political agency, board or commission is compensated by
105 | wages, salaries or otherwise shall not be eligible to serve
106 | concurrently as a member of the board created by this act. Only
107 | the name or names of candidates complying with this section
108 | shall appear on the ballot as a candidate for nomination or
109 | election. No candidate having qualified and thereafter
110 | withdrawing or becoming disqualified under the provisions of
111 | this act shall be entitled to a refund of the aforesaid
112 | qualifying fee paid.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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113 Section 3. The utility board shall consist of five (5)
 114 members who shall be elected from the city at large in groups
 115 numbered I, II, III, IV, and V. ~~One (1) of said members shall be~~
 116 ~~the chairman and shall be elected by the people from the group~~
 117 ~~to be numbered I. And all persons desiring to qualify as~~
 118 ~~candidates for chairman shall file in group numbered I. All~~
 119 persons desiring to qualify for members shall file in groups
 120 numbered I, II, III, IV or V. The member in group number I shall
 121 be elected in the regular municipal general election commencing
 122 in 2007 and at each general election every four (4) years
 123 thereafter. Members in groups numbered II and III shall be
 124 elected in the special general election in 1969 as provided for
 125 herein at each regular municipal general election each four (4)
 126 years thereafter, commencing in 1973 and at each general
 127 election each (4) years thereafter. Members in groups numbered
 128 IV and V shall be elected at the special general election
 129 provided for herein in 1969 and at the regular municipal general
 130 election to be held in 1971 for a term of four (4) years and at
 131 each general election thereafter for a term of four (4) years.
 132 ~~The member elected as chairman shall be elected at the special~~
 133 ~~general election in 1969, as provided for herein, and shall hold~~
 134 ~~office until the regular general municipal election in 1971 to~~
 135 ~~hold office for two (2) years and shall be elected at the~~
 136 ~~general election in 1971 and every general municipal election~~
 137 ~~thereafter. The member elected as chairman and All members shall~~
 138 ~~to~~ hold office until their successors are elected and qualified
 139 from 12:00 noon of the day after the canvas of the vote and the
 140 declaration of the results of the election. ~~The chairman and All~~

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141 members shall be subject to removal for good and sufficient
142 cause by a four-fifths (4/5) vote of the city commission. If a
143 candidate for ~~chairman or~~ member receives a majority of votes in
144 the primary election in the candidate's ~~his~~ group, the candidate
145 ~~he~~ shall be considered elected upon and after the canvas of the
146 vote and the declaration of the result of the election as
147 hereinafter provided. If there is ~~be~~ no majority, two (2)
148 candidates for nomination to the office of ~~chairman or~~ member
149 who receives ~~the~~ greatest vote in the primary election each
150 group shall be placed on the ballot at the next regular or
151 special municipal general election following the primary as
152 provided in the city charter of the City of Key West, Florida.
153 The candidate for nomination receiving the greater vote in the
154 regular or special municipal general election following the
155 primary election if otherwise qualified shall be elected to
156 office from the group in which candidate ~~he~~ is qualified. One
157 (1) of said members shall serve as Chairperson of the Utility
158 Board. The Chairperson shall be selected from the five (5)
159 members by the five (5) members during an organizational meeting
160 in December immediately following an election and serve as such
161 until the next organizational meeting following an election. A
162 member may serve as Chairperson for consecutive terms.

163 Section 6. (1) The office of members of the Utility Board
164 shall become vacant upon his or her death, resignation, removal
165 from office in any manner authorized by law, or forfeiture of
166 his office, or as otherwise provided herein.

167 (2) A member of the Utility Board shall forfeit his office
168 if he (1) lacks at any time during his term of office any

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169 qualification for the office prescribed by law; (2) violates any
170 express prohibition of this law; (3) is convicted of a crime
171 involving moral turpitude; or (4) fails to attend three (3)
172 consecutive regular meeting of the Utility Board without being
173 excused by the board.

174 (3) A vacancy in the board shall be filled for the
175 remainder of the unexpired term, if any, at the next regular
176 election, but a quorum of the remaining members of said board
177 shall by majority vote appoint a qualified person to fill the
178 vacancy until the person elected to serve the remainder of the
179 unexpired term takes office. If the board fails to do so within
180 sixty ~~thirty~~ days following the occurrence of the vacancy, the
181 City Commission of the City of Key West, Florida shall appoint a
182 member to fill the said vacancy for the unexpired term.
183 Notwithstanding the requirement that a quorum of the board
184 consists of three (3) members, if at any time the membership of
185 the board is reduced to less than three (3), the City Commission
186 of said city shall fill the vacancies for the unexpired term.

187 (4) The City Commission of the City of Key West, Florida
188 shall be the judge of the election and qualification of the
189 members of the Utility Board and of the grounds for forfeiture
190 of their office and for that purpose shall have power to
191 subpoena witnesses, take testimony and require the production of
192 records. A member charged with conduct constituting grounds for
193 forfeiture of his office shall be entitled to a public hearing
194 on demand; and notice of such hearing shall be published in one
195 (1) or more newspapers of general circulation in said city at
196 least one (1) week in advance of the hearing. Removal from said

197 office should be by a four-fifths (4/5) vote of the City
 198 Commission. Decisions made by the City Commission of the City of
 199 Key West, Florida under this section shall be subject to review
 200 by the courts.

201 Section 11. (1) POWERS OF THE BOARD.--The Utility Board
 202 of the City of Key West, Florida shall have the full, complete
 203 and exclusive power and right to manage, operate, maintain,
 204 control, extend, extend beyond the limits of the City of Key
 205 West, Florida, in Monroe County, Florida, the electric public
 206 utility owned by said city, including the maintenance,
 207 operation, extension and improvement thereof, and including all
 208 lines, poles, wires, pipes, mains and all additions to and
 209 extensions of the same, and all buildings, stations, sub-
 210 stations, machinery, appliances, land and property, real,
 211 personal and mixed, used or intended for use in or in connection
 212 with said electric public utility, and the Utility Board shall
 213 have all of the powers in connection with such other public
 214 utilities hereafter constructed or acquired by said board that
 215 are granted by this act to said board with respect to the
 216 electric public utility now owned by said city. The Board shall
 217 have the power and right to extend its utilities services beyond
 218 the limits of Monroe County, Florida. As it relates to the
 219 extension of services of the electric public utility, the power
 220 to extend services beyond the limits of Monroe County, Florida,
 221 shall become effective only if the Legislature enacts
 222 legislation permitting any person other than the Utility Board
 223 to sell electric energy to customers of the Utility Board. The
 224 said Utility Board shall have exclusive power and authority to

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225 | determine what improvements shall be made to all such public
226 | utilities.

227 | (2) BUDGETS.--The said Utility Board shall adopt annual
228 | budgets and amend the same from time to time, but in so doing
229 | shall conform to the requirements, if any, of any existing
230 | ordinance or resolution authorizing the issuance of revenue
231 | bonds now outstanding or hereafter issued against the income of
232 | the said Utility Board.

233 | (3) REVENUE BONDS AND OTHER FINANCING MATTERS.--Revenue
234 | bonds may be issued by said Utility Board for the purpose of
235 | refunding outstanding revenue bonds as well as for any other
236 | purposes which the Utility Board of said city deems proper in
237 | the management, operation, maintenance, control, improvement,
238 | extension, betterment, financing and refinancing of the electric
239 | public utility owned by The City of Key West, Florida as well as
240 | for purposes of acquisition, purchase, building and construction
241 | and operation of additional public utilities which are deemed
242 | proper by said Utility Board, and revenue bonds may also be
243 | issued by said board against the income of any additional public
244 | utilities so acquired , and the granting of such authority to
245 | the Utility Board of the City of Key West, Florida, to issue
246 | revenue bonds against income of the electric public utility
247 | owned by said city, or against the income of any additional
248 | public utilities hereafter acquired by said Utility Board, is
249 | exclusive to said board, and the governing body of said city
250 | shall not have the right to issue any such bonds or otherwise
251 | incur any indebtedness or obligations whereby the income of said
252 | public utilities owned by the Utility Board of the City of Key

253 West, or the income of any additional public utilities,
 254 hereafter acquired by said Utility Board, becomes charged for
 255 the payment thereof. The maturity dates and rate of interest of
 256 any bonds issued hereunder shall be determined and fixed by the
 257 Utility Board of the City of Key West, Florida and said board
 258 shall have the exclusive right to sell said bonds at prices to
 259 be determined by said board. The Utility Board of the City of
 260 Key West, Florida is authorized and empowered to adopt such
 261 resolutions as may be necessary or advisable in connection with
 262 the authorization, execution, sale, and delivery of the revenue
 263 bonds authorized hereunder. ~~Prior to the validation and issuance~~
 264 ~~of any bonds authorized hereunder, said board shall obtain the~~
 265 ~~approval of the City Commission of the City of Key West,~~
 266 ~~Florida, by appropriate ordinance.~~ The Utility Board shall
 267 further have the power to issue commercial paper notes and
 268 variable rate bonds to enter into interest rate swap
 269 transactions as determined from time to time to be in the best
 270 interests of the ratepayers of the electric public utility of
 271 the City. Bonds and refunding bonds issued pursuant to this act
 272 may be sold at competitive or negotiated sale, provided any
 273 negotiated sale shall comply with section 218.385, Florida
 274 Statutes.

275 (4) CONTRACTUAL RIGHTS.--Said Utility Board shall have the
 276 exclusive right and power to buy, purchase, contract for
 277 exchange, lease and convey by deed or such other lawful means as
 278 permitted by the laws of Florida, whether special, local or
 279 general, without the consent or approval of the City Commission
 280 or other governing body of the City of Key West, Florida, or its

281 municipal successor, from time to time, any of the property,
282 real, personal or mixed, specified or referred to herein before
283 in this act, for such price or prices and on such terms,
284 provisions and under such conditions as herein set forth at the
285 time or times it determines that such property, real, personal
286 or mixed, is excess to the needs of the electric public utility,
287 or such other public utilities the Utility Board acquires. Said
288 board shall have the full and complete power and exclusive
289 authority to accept gifts, contributions, contributions in aid
290 of construction, properties, whether real, personal or mixed,
291 from the United States Government or any of its departments,
292 bureaus, commissions or agencies, and the said full and complete
293 power and exclusive authority herein before provided shall also
294 apply to the acceptance of gifts, contributions, contributions
295 in aid from the State of Florida, or any of its political
296 subdivisions, departments bureaus, commissions, or agencies,
297 corporations, publicly or privately owned or operated, private
298 persons and individuals. The Utility Board created by this act
299 shall have the full and complete power and exclusive authority
300 to contract with the United States Government, or any of its
301 departments, bureaus, commissions or agencies, other public
302 utilities, the State of Florida, or any of its political
303 subdivisions, departments, bureaus commissions or agencies,
304 corporations, either publicly or privately owned and operated,
305 private persons or individuals, for the acquisition, purchase
306 and operation of other public utilities and said Utility Board
307 may determine in its judgment, and to purchase, contract for the
308 sale, lease or exchange of any products and services, material,

309 and commodities, by-products and water, steam or heat from all
310 or any of its activities or operations. The said Utility Board
311 shall have full and complete power and exclusive authority to
312 fix rates and charges for electricity and charges or prices for
313 any other real and personal property, products and services,
314 materials and commodities, by-products of and from all or any of
315 its activities or operations, furnished or sold by said Utility
316 Board, and to provide for the collection of the same.

317 (5) SENIOR CITIZEN AND DISABLED VETERAN DISCOUNT.--The
318 Utility Board shall grant a special lower rate and charge for
319 electricity on the residential account of any personal who meets
320 low income standards adopted by the Utility Board, who ~~has been~~
321 is a permanent resident of the geographical service area covered
322 by the Utility Board in furnishing electricity in Monroe County,
323 Florida ~~for three (3) consecutive years prior to requesting such~~
324 ~~special lower rate or charge~~ and who is sixty-two (62) years of
325 age or older or a totally and permanently disabled American
326 veteran. As used in this section "residential account" means an
327 account for a person residing in a house, mobile home,
328 condominium, apartment, or other housing unit. Submission of an
329 affidavit that the applicant claiming the special lower rate and
330 charge under this section is ~~has been~~ a permanent resident of
331 the geographical service area heretofore mentioned ~~for three (3)~~
332 ~~years immediately preceding the date of application~~, and who is
333 sixty-two (62) years of age or older or a totally and
334 permanently disabled American veteran, shall be prima facie
335 proof of such residence, disability, and age. The affidavit
336 shall include the annual income of the applicant.

337 (6) ACCOUNTING MATTERS.--All bills for electricity and
 338 electric service and for the furnishing and sale of the products
 339 and services, materials and commodities, by-products and water,
 340 steam or heat and by-products of and from all or any activities
 341 or operations shall be collected and accounted for by said
 342 Utility Board, and all disbursements in connection with the
 343 foregoing, shall be ordered paid out only upon approval of said
 344 board; or pursuant to policies adopted by said board or pursuant
 345 to policies established by resolution adopted by the Utility
 346 board. ~~and~~

347 (7) EMINENT DOMAIN.--Said board acting by, for, and in the
 348 name of the City of Key West, Florida, a municipal corporation,
 349 and any municipal successor thereto, existing under the laws of
 350 Florida, shall have the vested right which are herein conferred
 351 of eminent domain, for the purpose of acquiring lands and
 352 rights-of-way necessary and expedient for the location,
 353 establishment, construction, maintenance and operation of the
 354 works and projects authorized in this act, and for the
 355 acquisition and construction of any and all kinds and classes of
 356 real, personal or mixed property, tangible or intangible,
 357 whatsoever, which shall be deemed necessary, convenient or
 358 appropriate to accomplish the purposes and objects authorized by
 359 this act, provided, however said Utility Board shall at all
 360 times be governed by and conform to the provisions of any
 361 proceeding authorizing and providing for the issuance of bonds,
 362 or other obligations of said city, which by their terms are
 363 secured by or payable from the revenues of the electric public
 364 utility, or the revenues of any of the additional public

365 | utilities acquired by said Utility Board.

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

378 | Section 13. (1) CONSTRUCTION PROJECTS.--All construction,
 379 | reconstruction, repairs or work of any nature made by the
 380 | Utility Board, where the entire costs, value, or amount of such
 381 | construction, reconstruction, repairs or work, including the
 382 | labor and materials, shall exceed the amount as established by
 383 | resolution adopted by the Utility Board, except construction,
 384 | reconstruction, repairs, or work done by employees of the
 385 | Utility Board or by labor supplied under agreement with the
 386 | federal government or state government, with supplies and
 387 | materials purchased hereinafter provided, shall be done only
 388 | under contract or contracts to be entered into by the Utility
 389 | Board with the lowest cost or best responsible bidder upon
 390 | proper terms, after due public notice has been given asking for
 391 | competitive bids as hereinafter provided. ~~No contract shall be~~
 392 | ~~entered into for construction or improvement or repair of the~~

393 ~~electric system, or any part thereof, unless the contractor~~
 394 ~~shall have given an undertaking with a sufficient surety or~~
 395 ~~sureties, approved by the Utility Board, and in an amount fixed~~
 396 ~~by said board, for the faithful performance of the contract. All~~
 397 ~~such contracts shall provide among other things that the person~~
 398 ~~or corporation entering into such contract with the Utility~~
 399 ~~Board will pay for all materials furnished and services rendered~~
 400 ~~for the performance of the contract, and that any person or~~
 401 ~~corporation furnishing such materials or rendering such services~~
 402 ~~may maintain an action to recover for the same against the~~
 403 ~~obligor in the undertaking, as though such person or corporation~~
 404 ~~were named therein, provided the action is brought within one (1)~~
 405 ~~year after the time the cause of action accrues.~~

406 (2) POWER OF AUTHORITY.--Nothing in this section shall be
 407 construed to limit the power of authority to construct, repair
 408 or improve the utility electric system, or any part thereof, or
 409 any addition, betterment or extension thereto, directly by the
 410 officers, agents and employees of the Utility Board, or otherwise
 411 than by contract.

412 (3) ALL OTHER PURCHASES, EXCLUDING CONSTRUCTION
 413 PROJECTS.--All supplies, equipment, machinery and materials
 414 costing more than the amount as established by resolution
 415 adopted by the Utility Board shall be purchased only after
 416 advertisement as provided hereinafter. The Utility Board shall
 417 accept the lowest cost or best bid or bids, kind, quality and
 418 material being equal, but said Board shall have the right to
 419 reject any or all bid or select a single item from any bid. The
 420 provision as to bidding shall not apply to the purchase of

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421 patented and manufactured products offered for sale in a
422 noncompetitive market or solely by a manufacturer's authorized
423 dealer.

424 (4) ADVERTISING.--The term "advertisement" or "due public
425 notice" wherever used in this section shall mean a notice
426 published at least once a week for two (2) consecutive weeks
427 before the opening award of any sealed bid contract, in a daily
428 newspaper published and having a general circulation in the City
429 of Key West, Florida, and in such other newspapers or
430 publications as the Utility Board shall deem advisable.

431 (5) CONFLICT OF INTEREST.--No member of the Utility Board
432 or officer or employee thereof shall either directly or
433 indirectly be a party to, or be in any manner interested in, any
434 contract or agreement with the Utility Board for any matter,
435 cause or thing whatsoever in which such member shall have a
436 financial interest or by reason whereof any liability or
437 indebtedness shall in any way be created against such board. If
438 any contract or agreement shall be made in violation of the
439 provisions of this section, the same shall be null and void, and
440 no action shall be maintained thereon against the Utility Board.

441 (6) OTHER PROVISIONS.--Subject to the aforesaid
442 provisions, the Utility Board may (but without intending by this
443 provision to limit any powers of said board enter into and carry
444 out such contract, or establish or comply with such rules and
445 regulations concerning labor and materials and other related
446 matters in connection with any construction project, or portion
447 thereof, as the Utility Board may deem desirable; provided that
448 the provisions of this section shall not apply to any contract

449 or agreement between the Utility Board and any engineers,
 450 architects, attorneys, or for other professional services, or to
 451 any contract or agreement relating to fiscal advisors, fiscal
 452 agents, or investment bankers, relating to the financing of
 453 project herein authorized.

454 (7) EMERGENCY PURCHASES.--Notwithstanding the aforesaid
 455 provisions, the Utility board may, in its reasonable discretion,
 456 authorize and permit such expenditures of funds as necessary for
 457 making emergency purchases or may delegate such authority to
 458 such employees and offers of the utility system or systems.

459 (8) FUEL AND POWER PURCHASES.--Nothing in this section
 460 shall apply to the purchase of fuel products or produced power
 461 on a single-lot basis when such fuel or power is offered for
 462 sale to the Utility Board at a below advertised price basis.

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

468 (a)(1) The terms and conditions of the original contract
 469 or approved renewal or extension by the federal, state or local
 470 government or electric cooperative are satisfactory to the
 471 Utility Board ~~and such terms and conditions are expressly~~
 472 ~~extended to other municipalities pursuant to the bid documents.~~

473 (b)(2) The original contract or approved renewal or
 474 extension by the federal, state, or local government or electric
 475 cooperative are executed within twenty-four (24) ~~twelve (12)~~

476 months prior to the proposed purchase of commodities or services
 477 by the Utility Board.

478 (c)~~(3)~~ The purchasing agent has performed an informal
 479 solicitation to determine if the prices of the original contract
 480 are fair and reasonable, and to assure local vendors have an
 481 opportunity to compete.

482 (d)~~(4)~~ The Utility Board authorizes such procurement when
 483 the cost of the commodities (materials) or contractual services
 484 (labor and materials) exceeds the amounts as established by
 485 resolution adopted by the Utility Board.

486 Section 15. (1) The Utility Board created by this act is
 487 hereby authorized and empowered to create, establish, provide
 488 for and adopt, maintain, operate and regulate a civil service
 489 system and plan for the security of the employees of said board,
 490 and may amend and change such system and plan from time to time.
 491 Further, said Utility Board is empowered to adopt rules and
 492 regulations for the government and operation of said civil
 493 service system and plan, and to delegate authority for the
 494 handling and management of said system and plan to designated
 495 officials or employees of said board, or a special committee or
 496 a civil service board created by said Utility Board for such
 497 purposes. Further, said Utility Board is authorized and
 498 empowered to appropriate out of its available funds any money
 499 necessary or expedient to carry out the provisions and purposes
 500 of this act that maybe be lawfully used for such purposes.

501 (2) The employees ~~of the City Electric System~~ of the City
 502 of Key West, Florida may require the Utility Board to establish
 503 a civil service board for them by an affirmative vote of the

504 majority of the employees cast in a secret election to be held
 505 under the rules prescribed by the board. Said election shall be
 506 held within (30) days of the presentation of a petition
 507 containing the signatures of no less than ten per centum (10%)
 508 of the employees of al classes of said system requesting such an
 509 election.

510 Section 16. The Utility Board of the City of Key West,
 511 Florida shall have discretion to classify as surplus any of its
 512 property that ~~is~~ obsolete or that which is uneconomical or
 513 inefficient, or which serves no useful function. All such items
 514 valued more than the amount as established by resolution adopted
 515 by the Utility Board shall be offered as ~~Within a reasonable~~
 516 ~~exercise of its discretion and having consideration for the best~~
 517 ~~interest of the Utility Board, the value and condition of such~~
 518 ~~properties classified surplus, and the probability of such~~
 519 ~~properties being desired by the prescribed bidder to whom~~
 520 ~~offered, the Utility Board first shall offer such surplus~~
 521 ~~property to other governmental units~~ within, ~~first in the City~~
 522 ~~of Key West, Florida, then in the County of Monroe~~ and to the
 523 general public with an effective means of notification. The
 524 notification. ~~If no accepted bid is received within a reasonable~~
 525 ~~time, they shall then offer such properties for sale by~~
 526 ~~advertising for bids in a newspaper of general circulation once~~
 527 ~~each week for no less than two (2) weeks. Such call for bids~~
 528 shall disclose the value and condition of the properties when
 529 known. ~~The cost of transferring such properties offered for sale~~
 530 ~~shall be made by the bidder making the successful bid should~~
 531 ~~make the cost of transferring such properties offered for sale.~~

532 ~~Provided, however, that~~ Any such properties as would serve no
 533 useful function and for which no bids have been received, may be
 534 disposed of by donation, destruction or abandonment. ~~All actions~~
 535 ~~taken in regard to the disposal of such properties shall be~~
 536 ~~recorded in the minutes of the Utility Board of the City of Key~~
 537 ~~West, Florida.~~

538 Section 19. Members of said Utility Board, and agents and
 539 employees of said board traveling on official business should be
 540 reimbursed for travel and expenses in accordance with
 541 resolutions adopted by the Utility Board Chapter 112, Florida
 542 Statutes 1967 and any amendments thereto.

543 Section 20. Purchase of all lands deemed necessary by the
 544 Utility Board of the City of Key West, Florida shall be made
 545 subject to the following conditions:

546 (1) Such purchases shall be made only upon recommendation
 547 of the engineers of record of said board who shall advise the
 548 board that the acquisition of such lands is necessary for the
 549 expansion of the system.

550 ~~(2)~~ The Utility Board shall obtain appraisals from at
 551 least three (3) licensed and certified appraisers in the State
 552 of Florida ~~request the board of realtors of Monroe County,~~
 553 ~~Florida to provide them with the names of three (3) licensed~~
 554 ~~appraisers.~~

555 ~~(3)~~ ~~Said appraisers shall be retained by said Utility~~
 556 ~~Board under approval of the consulting engineers.~~

557 ~~(2)(4)~~ Said Utility Board shall pay no more than the
 558 highest agreed upon appraisal furnished by the aforesaid
 559 appraisers.

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