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1
2 An act relating to the City of Key West, Monroe
3 County; amending ch. 69-1191, Laws of Florida, as
4 amended; revising the sum an elector shall pay to the
5 Supervisor of Elections of Monroe County to qualify to
6 appear on the election ballot; revising the date on
7 which such sum must be deposited; prohibiting a
8 candidate from using certain words or logos on
9 specified campaign materials; clarifying the term of
10 service for board members; removing provisions
11 relating to printing addresses on ballots and the
12 election of watchers and challengers; providing that a
13 member of the board shall forfeit his office if he
14 fails to reside within specified areas; providing that
15 a designee of the City Commission of the City of Key
16 West may be the judge of the election and
17 qualification of the members of the board; revising
18 the time period that the original contract may be
19 exempt from the competitive procurement requirements;
20 providing that the sale, transfer, or other
21 disposition of any ownership interest in the electric
22 utility, or any other utility, owned or operated by
23 the board is effective only by resolution adopted by a
24 specified number of affirmative votes of the board and
25 a specified percentage of certain qualified electors

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26 | of Monroe County; making technical changes; providing
 27 | an effective date.

28 |

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

30 |

31 | Section 1. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10,
 32 | subsections (1) and (3) of section 11, section 12, subsection
 33 | (9) of section 13, sections 14, 15, 16, 17, 18, 19, 20, 21, 22,
 34 | 23, 24, 25, 26, and 27 of chapter 69-1191, Laws of Florida, as
 35 | amended by chapters 2001-297, 2007,286, and 2017-204, Laws of
 36 | Florida, are amended to read:

37 | Section 1. RIGHTS OF THE BOARD.—There is hereby created
 38 | the Utility Board of the City of Key West, Florida, to be
 39 | composed of five (5) members as particularly hereinafter set
 40 | forth. Such Utility Board created by this act shall be and is
 41 | hereby made the successor to the Utility Board of the City of
 42 | Key West, Florida, heretofore created and existing by and under
 43 | the provisions of chapter 65-1770, Laws of Florida, Acts of the
 44 | Legislature Year 1965, and acts amendatory thereto. The full,
 45 | complete and exclusive power and right to manage, operate,
 46 | maintain, control, extend, and extend beyond the limits of the
 47 | City of Key West, Florida, improve, finance and re-finance the
 48 | electric public utility now owned by the City of Key West,
 49 | Florida, and the nonexclusive right to build, construct, operate
 50 | and acquire other public utilities, by purchase, gift, grant,

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51 | lease, rental or otherwise, from time to time, from the United
52 | States Government, its departments, agencies, bureaus and
53 | commissions, and from the State of Florida and any of its
54 | political subdivisions, and corporations which are publicly or
55 | privately owned or operated, and by the right of eminent domain,
56 | shall be carried on by such Utility Board composed of five (5)
57 | members, all of whom shall be elected by the qualified electors
58 | of Monroe County, Florida, residing within the Utility Board's
59 | designated service area at large, as hereinafter set forth.
60 | Furthermore, said Utility Board shall have the power and right
61 | to sell at retail or wholesale certain tangible personal
62 | property related to its utility services, including, but not
63 | limited to, generators, protection and conservation equipment,
64 | and appliances. The term "public utility," as used herein, shall
65 | include, but not be limited to, cable and telecommunication
66 | facilities. Nothing herein shall grant the right of eminent
67 | domain as to cable or telecommunication facilities. The name of
68 | the Utility Board shall be "Utility Board of the City of Key
69 | West, Florida," and said board shall function and operate as
70 | hereinafter provided. Said Utility Board shall have the right to
71 | sue and be sued, may adopt and use a seal and change it at
72 | pleasure, and may use in the conduct of its business the trade
73 | name of "Keys Energy Services," the use of which heretofore by
74 | its predecessor board is approved, confirmed and validated;
75 | further, said Utility Board may change such trade name and from

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76 | time to time adopt such trade names as it deems expedient and
 77 | proper in the conduct of its business, operations and
 78 | activities.

79 | Section 2. ELECTION OF UTILITY BOARD MEMBERS.—The election
 80 | for the nomination or election of candidates for members of the
 81 | Utility Board of said city held in 2018 shall be concurrent with
 82 | the election for the office of County Commission of Monroe
 83 | County, Florida. Such elections shall be non-partisan elections
 84 | and every person voting in said election shall be entitled to
 85 | vote for as many candidates for the Utility Board as there are
 86 | members to be elected to said board. The name of any qualified
 87 | elector of Monroe County, Florida, residing within the Utility
 88 | Board's designated service area who meets the qualifications for
 89 | member of said Utility Board, as set forth in this act, may
 90 | appear upon the election ballot as a candidate for the office of
 91 | member of the Utility Board, upon said elector paying to the
 92 | Supervisor of Elections of Monroe County, Florida, a qualifying
 93 | fee in the amount ~~sum~~ of one hundred dollars (\$100.00), plus an
 94 | election assessment in the amount of one dollar (\$1.00), and
 95 | said sums ~~sum~~ shall be deposited with the supervisor of
 96 | elections at his or her office not later than 12:00 p.m. ~~5:00~~
 97 | ~~p.m.~~ on the date set for the closing of qualification by the
 98 | election officials, for the first election under the provisions
 99 | of this act, and thereafter on the dates as published by the
 100 | supervisor of elections biannually of the year in which

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101 subsequent elections under this act are to be held. A qualifying
 102 fee for such candidate for such office, and said elector shall
 103 submit to the supervisor of elections concurrently therewith the
 104 sworn statement of his or her name, address, and occupation,
 105 willingness to serve if elected and shall indicate on such sworn
 106 statement his or her desire for his or her name to appear on the
 107 ballot as a candidate for such office. Provided, however, that
 108 any person who holds an elective office in the government of the
 109 City of Key West, Florida, County of Monroe, the State of
 110 Florida, or any political agency, board or commission and is
 111 compensated by wages, salaries or otherwise shall not be
 112 eligible to serve concurrently as a member of the board created
 113 by this act. Only the name or names of candidates complying with
 114 this section shall appear on the ballot as a candidate for
 115 nomination or election. No candidate having qualified and
 116 thereafter withdrawing or becoming disqualified under the
 117 provisions of this act shall be entitled to a refund of the
 118 aforesaid qualifying fee or election assessment paid. A
 119 candidate for nomination or election shall not, upon or in
 120 connection with any campaign materials including, but not
 121 limited to, signage, advertisements, or apparel, print or
 122 reproduce the words "Keys Energy Services," or the logo of the
 123 board, as adopted by the Board at its regular meeting of January
 124 9, 2002, and on file in the Board offices and available for
 125 inspection, or any likeness of such logo.

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126 Section 3. MEMBERSHIP OF UTILITY BOARD.—The Utility Board
127 shall consist of five (5) members who shall be elected from the
128 citizens of Monroe County, Florida, residing within the Utility
129 Board's designated service territory at large to seats
130 identified as A, B, C, D, or E. All persons desiring to qualify
131 as members shall file in seats identified as A, B, C, D, or E.
132 Candidates for seats A, B, and C must reside within the City of
133 Key West city limits. Candidates for seats D and E must reside
134 in Monroe County, Florida, from Stock Island, excluding the
135 portion of Stock Island within the City of Key West city limits
136 to the northeasternmost end of the Seven Mile Bridge. The
137 members running for seats A, B, and D shall be elected in the
138 regular ~~general~~ election commencing in 2018 for a term of four
139 (4) years and at each regular ~~general~~ election at large by the
140 electors of Monroe County, Florida, residing within the Utility
141 Board's designated service territory every four (4) years
142 thereafter. The members running ~~Current elected Utility Board~~
143 ~~members serving in Groups II and III shall serve their current~~
144 ~~four year terms until the 2020 general election, when candidates~~
145 for seats C and E shall be elected in the regular ~~general~~
146 election at large by the electors of Monroe County, Florida,
147 residing within the Utility Board's designated service territory
148 commencing in 2020 for a term of 4 years and at each regular
149 ~~general~~ election four (4) years thereafter. All members shall
150 hold office until their successors are elected and qualified

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151 from 12:00 noon of the day after the date of the certification
152 ~~canvas of the vote and the declaration~~ of the result results of
153 the election. All members shall be subject to removal for good
154 and sufficient cause by a four-fifths (4/5) vote of the city
155 commission. If a candidate for member receives a majority of
156 votes in the regular primary election in the candidate's group,
157 the candidate shall be considered elected from 12:00 noon of the
158 day ~~upon and after the date canvas~~ of the certification ~~vote and~~
159 ~~the declaration~~ of the result of the election as hereinafter
160 provided. In such event, notwithstanding that members are deemed
161 to serve terms of 4 years, the term of the outgoing member whose
162 seat will be held by the incoming member shall be deemed
163 complete as of 12:00 noon of the day after the date of the
164 certification of the primary election result. If there is no
165 majority in the primary election, two (2) candidates for
166 nomination to the office of member who receive the greatest vote
167 in the primary election for each group shall be placed on the
168 ballot at the next regular or special municipal general election
169 following the primary ~~as provided in the county charter of~~
170 ~~Monroe County, Florida.~~ The candidate for nomination receiving
171 the greater vote in the regular or special municipal general
172 election following the primary election if otherwise qualified
173 shall be elected to office from the group in which candidate is
174 qualified, and shall be considered elected from 12:00 noon of
175 the day after the date of certification of the result of the

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176 | election, notwithstanding that members are deemed to serve terms
 177 | of 4 years. One (1) of said members shall serve as Chairperson
 178 | of the Utility Board. The Chairperson shall be selected from the
 179 | five (5) members by the five (5) members during an
 180 | organizational meeting at the first regular Utility Board
 181 | meeting after all candidates are qualified and sworn in to
 182 | office by the City Clerk and serve as such until the next
 183 | organizational meeting following an election. A member may serve
 184 | as Chairperson for consecutive terms.

185 | Section 4. ELECTION AUTHORITIES.—For the purposes of this
 186 | act, the election authorities shall be the same authorities
 187 | conducting elections under the Charter of the City of Key West,
 188 | Florida, and any amendment thereto. The Utility Board of the
 189 | City of Key West is hereby directed to pay as an administrative
 190 | expense to said authorities the actual expense incurred in
 191 | conducting the first election to be held under the provisions of
 192 | this act.

193 |
 194 | Except as otherwise provided in this act, the provisions of the
 195 | general election laws of the State of Florida shall apply to
 196 | elections held under this act. All elections provided for by
 197 | this act shall be conducted by said election authorities.

198 | Section 5. BALLOT FORM.—~~(1)~~—The full names of all
 199 | candidates nominated for membership in the Utility Board, except
 200 | those who have withdrawn, died, or become ineligible, shall be

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201 printed on the official ballots of Monroe County, Florida,
202 without party designation or symbol. ~~If two (2) or more~~
203 ~~candidates have the same surname, or surnames so similar as to~~
204 ~~be likely to cause confusion, each candidate may submit an~~
205 ~~identifying name by which he or she is commonly known. If no~~
206 ~~such selection shall be made by the candidate, their residence~~
207 ~~addresses shall be printed with their names on the ballot.~~

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

218 Section 6. UTILITY BOARD VACANCY.— (1) The office of
219 members of the Utility Board shall become vacant upon his or her
220 death, resignation, removal from office in any manner authorized
221 by law, or forfeiture of his office, or as otherwise provided
222 herein.

223 (2) A member of the Utility Board shall forfeit his office
224 if he (1) lacks at any time during his term of office any
225 qualification for the office prescribed by law; (2) violates any

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226 | express prohibition of this law; (3) is convicted of a crime
 227 | involving moral turpitude; (4) fails to reside within either the
 228 | City of Key West or the portion of Monroe County Southwest of
 229 | the northeasternmost end of the Seven Mile Bridge; or (5) ~~(4)~~
 230 | fails to attend three (3) consecutive regular meetings ~~meeting~~
 231 | of the Utility Board without being excused by the board.

232 | (3) A vacancy in the board shall be filled for the
 233 | remainder of the unexpired term, if any, at the next regular
 234 | election, but a quorum of the remaining members of said board
 235 | shall by majority vote appoint a qualified person to fill the
 236 | vacancy until the person elected to serve the remainder of the
 237 | unexpired term takes office. If the board fails to do so within
 238 | thirty days following the occurrence of the vacancy, the City
 239 | Commission of the City of Key West, Florida, shall appoint a
 240 | member to fill the said vacancy for the unexpired term.
 241 | Notwithstanding the requirement that a quorum of the board
 242 | consists of three (3) members, if at any time the membership of
 243 | the board is reduced to less than three (3), the City Commission
 244 | of said city shall fill the vacancies for the unexpired term.

245 | (4) The City Commission of the City of Key West, Florida,
 246 | or its designee, shall be the judge of the election and
 247 | qualification of the members of the Utility Board and of the
 248 | grounds for forfeiture of their office and for that purpose
 249 | shall have power to subpoena witnesses, take testimony and
 250 | require the production of records. A member charged with conduct

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251 constituting grounds for forfeiture of his office shall be
252 entitled to a public hearing on demand; and notice of such
253 hearing shall be published in one (1) or more newspapers of
254 general circulation in said city at least one (1) week in
255 advance of the hearing. Removal from said office should be by a
256 four-fifths (4/5) vote of the City Commission. Decisions made by
257 the City Commission of the City of Key West, Florida, under this
258 section shall be subject to review by the courts.

259 Section 7. RECALL OF UTILITY BOARD MEMBER.—Any member of
260 the Utility Board of the City of Key West, Florida, may be
261 subject to recall by the electors of the City of Key West,
262 Florida, by the same laws, methods, rules, and regulations
263 prescribed by State law of City Charter for the removal of a
264 member of the City Commission of the City of Key West, Florida.
265 Any vacancies which occur as a result of said recall process
266 shall be filled in the manner heretofore prescribed for filling
267 vacancies on said Utility Board.

268 Section 8. UTILITY BOARD COMPENSATION.—The Chairman of the
269 Utility Board shall receive a monthly salary as compensation for
270 his services in an amount set by majority vote of the board,
271 pursuant to resolution not to exceed \$700 per month. The other
272 members of the board shall receive a monthly salary as
273 compensation for their services in an amount set by majority
274 vote of the board, pursuant to resolution not to exceed \$600 per
275 month. All compensations set forth herein shall be payable as an

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276 | operating expense of the electric public utility.

277 | Section 9. UTILITY BOARD BUSINESS.—A majority of the
278 | members of the Utility Board at any meeting shall constitute a
279 | quorum, and the Utility Board may adopt rules and by-laws for
280 | time, place and conduct of its meetings. Provided, however, that
281 | in the event of a catastrophe or disaster whereby one (1) or
282 | more members of the Utility Board is physically incapacitated
283 | from any cause and temporarily unable to serve, then the
284 | remaining member or members are hereby vested with the power and
285 | right to conduct all of the business of the Utility Board until
286 | such time as such member or members temporarily incapacitated
287 | are able to resume their duties. Provided further, that in the
288 | event of the death of one (1) or more members of the Utility
289 | Board from any cause, the remaining member or members are hereby
290 | vested with the power and right to conduct all of the business
291 | of the Utility Board until such time as appointments to fill the
292 | vacancies created by death can be made in due course, pursuant
293 | to the terms and conditions of this act.

294 | Section 10. UTILITY BOARD MEETINGS.—The Chairman shall
295 | preside at all meetings when present, and shall call special
296 | meetings on his own motion or when requested to do so by any two
297 | (2) members of the board. A record shall be kept of the
298 | proceeding, which shall be available for inspection as other
299 | municipal records.

300 | Section 11. (1) POWERS OF THE BOARD.—The Utility Board of

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301 the City of Key West, Florida, shall have the full, complete and
302 exclusive power and right to manage, operate, maintain, control,
303 extend, extend beyond the limits of the City of Key West,
304 Florida, in Monroe County, Florida, the electric public utility
305 owned by said city, including the maintenance, operation,
306 extension and improvement thereof, and including all lines,
307 poles, wires, pipes, mains and all additions to and extensions
308 of the same, and all buildings, stations, sub-stations,
309 machinery, appliances, land and property, real, personal and
310 mixed, used or intended for use in or in connection with said
311 electric public utility, and the Utility Board shall have all of
312 the powers in connection with such other public utilities
313 hereafter constructed or acquired by said board that are granted
314 by this act to said board with respect to the electric public
315 utility now owned by said city. The Board shall have the power
316 and right to extend its utilities services beyond the limits of
317 Monroe County, Florida. As it relates to the extension of
318 services of the electric public utility, the power to extend
319 services beyond the limits of Monroe County, Florida, shall
320 become effective only if the Legislature enacts legislation
321 permitting any person other than the Utility Board to sell
322 electric energy to customers of the Utility Board. The said
323 Utility Board shall have exclusive power and authority to
324 determine what improvements shall be made to all such public
325 utilities.

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326 (3) REVENUE BONDS AND OTHER FINANCING MATTERS.—Revenue
327 bonds may be issued by said Utility Board for the purpose of
328 refunding outstanding revenue bonds as well as for any other
329 purposes which the Utility Board of said city deems proper in
330 the management, operation, maintenance, control, improvement,
331 extension, betterment, financing and refinancing of the electric
332 public utility owned by The City of Key West, Florida, as well
333 as for purposes of acquisition, purchase, building and
334 construction and operation of additional public utilities which
335 are deemed proper by said Utility Board, and revenue bonds may
336 also be issued by said board against the income of any
337 additional public utilities so acquired, and the granting of
338 such authority to the Utility Board of the City of Key West,
339 Florida, to issue revenue bonds against income of the electric
340 public utility owned by said city, or against the income of any
341 additional public utilities hereafter acquired by said Utility
342 Board, is exclusive to said board, and the governing body of
343 said city shall not have the right to issue any such bonds or
344 otherwise incur any indebtedness or obligations whereby the
345 income of said public utilities owned by the Utility Board of
346 the City of Key West, or the income of any additional public
347 utilities, hereafter acquired by said Utility Board, becomes
348 charged for the payment thereof. The maturity dates and rate of
349 interest of any bonds issued hereunder shall be determined and
350 fixed by the Utility Board of the City of Key West, Florida, and

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351 | said board shall have the exclusive right to sell said bonds at
352 | prices to be determined by said board. The Utility Board of the
353 | City of Key West, Florida, is authorized and empowered to adopt
354 | such resolutions as may be necessary or advisable in connection
355 | with the authorization, execution, sale, and delivery of the
356 | revenue bonds authorized hereunder. Prior to the validation and
357 | issuance of any bonds authorized hereunder, said board shall
358 | obtain the approval of the City Commission of the City of Key
359 | West, Florida, by appropriate ordinance. The Utility Board shall
360 | further have the power to issue commercial paper notes and
361 | variable rate bonds to enter into interest rate swap
362 | transactions as determined from time to time to be in the best
363 | interests of the ratepayers of the electric public utility of
364 | the City. Bonds and refunding bonds issued pursuant to this act
365 | may be sold at competitive or negotiated sale, provided any
366 | negotiated sale shall comply with section 218.385, Florida
367 | Statutes.

368 | Section 12. MANAGER'S CONTRACT.—The Utility Board shall
369 | have the power from time to time to enter into a contract
370 | employing a manager to manage and administer to the electric
371 | public utility now owned by the City of Key West, Florida, and
372 | to manage and administer to any additional public utilities
373 | acquired by said Utility Board. The contract employing said
374 | manager shall set forth the tenure of office, not to exceed four
375 | (4) years, the compensation, terms of employment, and the

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376 procedure for termination of said contract. The Utility Board,
 377 through such manager, shall direct, employ, fix the compensation
 378 of and discharge all employees of the electric public utility
 379 and all employees of all public utilities owned or operated by
 380 said Utility Board; provided however, that terms, compensation
 381 and termination of the contract shall be governed by and conform
 382 to the provisions of any proceedings authorizing and providing
 383 for the issuance of bonds, or other obligations of said city,
 384 which by their terms are secured by or payable from the revenue
 385 of the electric public utility or other public utilities owned
 386 or operated by said Utility Board.

387 Section 13.

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

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

398 (b) The original contract or approved renewal or extension
 399 by the federal, state, or local government or electric
 400 cooperative is in effect and was ~~are~~ executed within an

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401 acceptable period of time, as determined by the Utility Board by
402 resolution from time to time, ~~twenty-four (24) months~~ prior to
403 the proposed purchase of commodities or services by the Utility
404 Board.

405 (c) The purchasing agent has performed an informal
406 solicitation to determine if the prices of the original contract
407 or approved renewal or extension are fair and reasonable, and to
408 assure local vendors have an opportunity to compete.

409 (d) The Utility Board authorizes such procurement when the
410 cost of the commodities (materials) or contractual services
411 (labor and materials) exceeds the amounts as established by
412 resolution adopted by the Utility Board.

413 Section 14. PENSION PLAN.—The Utility Board created by
414 this act is hereby authorized and empowered to establish, adopt,
415 provide, operate, maintain, and assist in the support of a
416 pension system or plan for the relief or social security of
417 disabled or retired officers and employees of said Utility
418 Board, and to delegate authority for the handling and
419 perpetuation of such a plan or system to designated officials or
420 employees of said Utility Board, or a special committee created
421 for such purposes. Further, said Utility Board shall have power
422 to make contracts of insurance with any insurance company
423 authorized to transact business in the State of Florida,
424 insuring its officers and employees or any class or classes
425 thereof under a policy or policies of group insurance covering

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426 | life, health, or accident insurance, or any two or more of such
427 | classes of insurance, and may contract with any company granting
428 | annuities or pensions and authorized to transact business within
429 | the State of Florida for the pensioning of such officers and
430 | employees or any class or classes thereof; and provide for any
431 | money necessary to pay premiums or charges incidental to the
432 | carrying on of such policies or contracts or for the support of
433 | a pension system, and the action of its predecessor Utility
434 | Board in connection with the pensions now in effect is hereby
435 | ratified, validated and confirmed.

436 | Section 15. CIVIL SERVICE SYSTEM.—(1) The Utility Board
437 | created by this act is hereby authorized and empowered to
438 | create, establish, provide for and adopt, maintain, operate and
439 | regulate a civil service system and plan for the security of the
440 | employees of said board, and may amend and change such system
441 | and plan from time to time. Further, said Utility Board is
442 | empowered to adopt rules and regulations for the government and
443 | operation of said civil service system and plan, and to delegate
444 | authority for the handling and management of said system and
445 | plan to designated officials or employees of said board, or a
446 | special committee or a civil service board created by said
447 | Utility Board for such purposes. Further, said Utility Board is
448 | authorized and empowered to appropriate out of its available
449 | funds any money necessary or expedient to carry out the
450 | provisions and purposes of this act that maybe be lawfully used

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451 for such purposes.

452 (2) The employees of the City of Key West, Florida, may
 453 require the Utility Board to establish a civil service board for
 454 them by an affirmative vote of the majority of the employees
 455 cast in a secret election to be held under the rules prescribed
 456 by the board. Said election shall be held within (30) days of
 457 the presentation of a petition containing the signatures of no
 458 less than ten per centum (10 percent) of the employees of all ~~at~~
 459 classes of said system requesting such an election.

460 Section 16. DISPOSITION OF ASSETS, OWNERSHIP OF UTILITY.-

461 (1) The Utility Board of the City of Key West, Florida shall
 462 have discretion to classify as surplus any of its property that
 463 is obsolete or that which is uneconomical or inefficient, or
 464 which serves no useful function. All such items valued more than
 465 the amount as established by resolution adopted by the Utility
 466 Board shall be offered as such surplus property to other
 467 governmental units within, the County of Monroe and to the
 468 general public with an effective means of notification. The
 469 notification shall disclose the value and condition of the
 470 properties when known. Any such properties as would serve no
 471 useful function and for which no bids have been received, may be
 472 disposed of by donation, destruction or abandonment.

473 (2) The sale, transfer, or other disposition of any
 474 ownership interest in the electric utility owned or operated by
 475 the Utility Board or any other utility owned or operated by the

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476 Utility Board, or the sale, transfer, or other disposition of
477 all or substantially all assets of the electric utility owned or
478 operated by the Utility Board or any other utility owned or
479 operated by the Utility Board, shall only be effective upon
480 proposal of such disposition by the Utility Board by resolution
481 adopted by the affirmative vote of not less than four (4)
482 Utility Board members, and approval of such disposition by at
483 least 65 percent of the qualified electors of Monroe County,
484 Florida, who reside within the Utility Board's designated
485 service area at large, casting ballots at a regular municipal
486 general election.

487 Section 17. ANNUAL AUDIT.—The Utility Board of the City of
488 Key West, Florida, shall provide for an annual audit and be
489 subject to audit by the Legislative Auditor of the State of
490 Florida, of all utility board accounts, and said Board is hereby
491 authorized to pay the expenses thereof when required to do so
492 and may provide for such more frequent audits as it deems
493 necessary. A copy of the audit is to be delivered to the City
494 Commission of the City of Key West, Florida, within seven (7)
495 working days ~~twenty four(24) hours, holidays included,~~ after the
496 Utility Board receives its copy from the audit agency. The
497 Utility Board shall deliver to any other authorized agency, as
498 they may be required, additional copies of the audit. The
499 expenses of said audit shall be paid by the Utility Board of the
500 City of Key West, Florida.

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501 Section 18. CONFLICT OF INTEREST.—Any board officer or
502 employee who has a substantial financial interest, direct or
503 indirect, by reason of ownership of stock in any corporation, in
504 any contract with the Utility Board or in the sale of any land,
505 material, supplies or services to said board or to a contractor
506 supplying said board, shall make known that interest and shall
507 refrain from voting upon or otherwise participating in his
508 capacity as a board member or employee in the making of such
509 sale or in the making or performance of such contract. Any board
510 member or employee who willfully conceals such a substantial
511 financial interest or willfully violates the requirements of
512 this section shall be guilty of malfeasance in office or
513 position and shall forfeit his office or position. Violation of
514 this section with the knowledge, express or implied, of the
515 person or corporation contracting with or making a sale to the
516 city shall render the contract or sale voidable by said Utility
517 Board.

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

523 Section 20. PURCHASE OF LANDS.—Purchase of all lands
524 deemed necessary by the Utility Board of the City of Key West,
525 Florida shall be made subject to the following conditions:

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526 (1) Such purchases shall be made only upon recommendation
527 of the engineers of record of said board who shall advise the
528 board that the acquisition of such lands is necessary for the
529 expansion of the system. The Utility Board shall obtain
530 appraisals from at least three (3) licensed and certified
531 appraisers in the State of Florida.

532 (2) Said Utility Board shall pay no more than the highest
533 appraisal furnished by the aforesaid appraisers.

534 Section 21. PUBLIC RECORDS.—The operating budget and all
535 other records of said Utility Board shall be considered public
536 records, and available for inspection by the public at the
537 office of said Utility Board.

538 Section 22. SUCCESSOR TO RIGHTS AND OBLIGATIONS.—The
539 Utility Board created by this act shall be and is hereby made
540 the successor to the Utility Board of the City of Key West,
541 Florida heretofore created and existing by virtue of Chapter 65-
542 1770, Laws of Florida, Acts of the Legislature Year 1965, and
543 all acts amendatory thereto, and shall succeed to all the
544 rights, privilege, duties and obligations, monies, credits, and
545 choices in action, properties, real, personal and mixed, of its
546 predecessor board, including title to all properties belonging
547 to its predecessor board. No obligations or contracts of its
548 predecessor board, including bonds heretofore issued by its
549 predecessor board, shall be impaired or voided by this act, but
550 all such contracts and obligations shall pass to and be binding

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551 upon the Utility Board created by this act.

552 Section 23. REFERENCES.—Whenever reference is made in this
 553 act to the governing body of the City of Key West, Florida, it
 554 shall be construed to mean the City Commission of the City of
 555 Key West, Florida, or to the successor to said City Commission
 556 of the City of Key West, Florida.

557 Section 24. REPEAL AND AMENDMENT.—It is hereby declared to
 558 be the intention of the Legislature that this act shall not be
 559 deemed repealed or amended by the passage of any act, whether
 560 general, special, or local, at this regular session of the
 561 Legislature, unless the act seeking to effect repeal or amend
 562 this act makes specific reference to this act for such purpose.

563 Section 25. SEVERABILITY.—The provisions of this act are
 564 severable, and it is the intention to confer the whole or any
 565 part of the powers herein provided for, and if any of the
 566 provisions of this act or any of the powers granted by this
 567 shall be held unconstitutional by any court of competent
 568 jurisdiction, the decision of such court shall not affect or
 569 impair any of the remaining provisions of this act, or any of
 570 the remaining powers granted by this act. It is hereby declared
 571 to be the legislative intent that this act would have been
 572 adopted had such unconstitutional provisions or powers not been
 573 included therein.

574 Section 26. CONFLICT WITH LAWS.—All laws and parts of
 575 laws, whether general, special or local, particularly Chapter

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576 | 65-1770, Laws of Florida, Acts of the Legislature Year 1965, and
577 | acts amendatory thereto, in conflict with this act, are hereby
578 | repealed to the extent of such conflict.

579 | Section 27. CONSTRUCTION.—This act shall be liberally
580 | construed to effect the purposes thereof.

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