

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES, ENTITLED "BUSINESSES", BY REPEALING ARTICLE XIV, ENTITLED "RESIDENTIAL TENANCIES" BY REPEALING SECTION 18-710 AND 18-711 DUE TO THE PASSAGE OF HOUSE BILL 1417 PREEMPTING LOCAL REGULATIONS OF LANDLORD/TENANT RELATIONSHIPS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, The City of Key West passed Sections 18-710 and 18-711, requiring a minimum of sixty days' notice before terminating a month-to-month residential tenancy or before increasing a new lease by more than 5%; and,

WHEREAS, due to the passage of Florida House Bill 1417 (2023), preempting cities from enacting regulations related to landlord and tenant relationship, the City of Key West finds that it is necessary to amend Chapter 18 of the Code of Ordinances, Residential Tenancies, to repeal Sections 18-710 and 18-711; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Chapter 18, Article XIV, is hereby repealed as follows*:

~~ARTICLE XIV. — RESIDENTIAL TENANCIES~~

~~DIVISION 1. — NOTICE~~

~~Sec. 18-710. — Fair written notice required.~~

~~(a) A residential tenancy without a specific duration in which the rent is payable on a monthly basis may be terminated by either the landlord or the tenant by giving not less than sixty calendar days' written notice prior to the end of any monthly period.~~

~~(b) A residential landlord that proposed to increase the rental rate by more than five percent (5%) at the end of a lease for a specific term, or during a tenancy without a specific duration in which the rent is payable on a monthly basis, must provide sixty (60) days' written notice to the tenant before the tenant must either:~~

- ~~1. Accept the proposed increased amount;~~
- ~~2. Reach an acceptable compromise in writing;~~
- ~~3. Reject the proposed amendment to their tenancy.~~

~~*(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)~~

~~(c) If at the expiration of the 60 days' written notice the parties have not resolved the issue of increased rent herein, the landlord may impose the amended terms or require the tenant to vacate the residence in accordance with Florida Law.~~

~~(d) Except for the notice provisions as set forth herein, all other provisions of F.S. ch. 83, pt. II, shall govern~~

~~Sec. 18-711. - Penalties.~~

~~A violation of section 18-710 shall be referred to the Code Compliance Special Magistrate for proceedings consistent with ch. 2, article VI of the Code of Ordinances for the City of Key West.~~

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance

are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this _____ day of _____, 2023.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2023.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2023.

Filed with the Clerk _____, 2023.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Lissette Carey	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK