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ORDINANCE 2023-19 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, REPEALING CHAPTER 20 “CIVIL RIGHTS,” ARTICLE IV “LANDLORD TENANT NOTICE REQUIREMENTS,” SECTION 20-20 “REQUIRED FAIR WRITTEN NOTICE OF TERMINATION OF MONTHLY RESIDENTIAL TENANCY WITHOUT SPECIFIC DURATION” AND SECTION 20-21 “REQUIRED FAIR WRITTEN NOTICE OF RENTAL PAYMENT INCREASES FOR RESIDENTIAL TENANCIES” DUE TO PREEMPTION BY THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

WHEREAS, the City of Lake Worth Beach, Florida (the “City”) is a duly constituted municipality having such home rule power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Chapter 20 “Civil Rights,” Article IV “Landlord Tenant Notice Requirements,” at Section 20-20 “Required fair written notice of termination of monthly residential tenancy without specific duration” and Section 20-21 “Required fair written notice of rental payment increases for residential tenancies,” provides for termination and rental increase notice requirements between landlords and tenants of residential tenancies; and

WHEREAS, this year, the Florida Legislature adopted a new law, Section 83.425, Florida Statutes, effective July 1, 2023, that preempts the City and other local governments from the “regulation of residential tenancies, the landlord-tenant relationship, and all other matters covered under this part...”; and

WHEREAS, based upon the State’s preemption of the field of residential tenancies, it is prudent for the City to repeal Section 20-20 and Section 20-21 of Article IV, Chapter 20 of the City’s Code of Ordinances; and

WHEREAS, the City Commission finds and declares that the repeal of these ordinances is appropriate, and in the best interest of the health, safety and welfare of the City, its residents and visitors.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, that:

Section 1: The foregoing “WHEREAS” clauses are incorporated into this Ordinance as true and correct findings of the City Commission.

Section 2: Chapter 20 “Civil Rights,” Article IV “Landlord Tenant Notice Requirements,” Section 20-20 and Section 20-21 are hereby repealed in full as follows:

48 **ARTICLE IV. - LANDLORD TENANT NOTICE REQUIREMENTS**

49 ~~**Sec. 20-20. - Required fair written notice of termination of monthly residential**~~
50 ~~**tenancy without specific duration.**~~

51 ~~A residential tenancy without a specific duration (as defined in F.S. § 83.46(2)) in~~
52 ~~which the rent is payable on a month to month basis may be terminated by either the~~
53 ~~landlord or tenant by giving not less than sixty (60) days written notice prior to the end~~
54 ~~of any monthly period.~~

55 ~~**Sec. 20-21. - Required fair written notice of rental payment increases for residential**~~
56 ~~**tenancies.**~~

57 ~~A residential landlord that proposes to increase the current rental rate by more than~~
58 ~~five percent (5%) at the end of a lease for a specific duration, or during a tenancy without~~
59 ~~a specific duration (as defined in F.S. § 83.46(2)) in which the rent is payable on a month~~
60 ~~to month basis, must provide sixty (60) days written notice to the tenant before the~~
61 ~~tenant must either:~~

- 62 ~~(1) Accept the proposed amendment;~~
- 63 ~~(2) Reach an acceptable compromise; or,~~
- 64 ~~(3) Reject the proposed amendment to their tenancy.~~

65 ~~If the required sixty (60) days written notice has been provided and the tenant has~~
66 ~~not agreed to the proposed amendment or an acceptable compromise, the landlord may~~
67 ~~impose the proposed amended term(s) or require the tenant(s) to vacate the residence.~~

68 ~~**Sec. 20-202. - Required fair written notice of termination of monthly non-residential**~~
69 ~~**tenancy without specific duration.**~~

70 ~~A non-residential tenancy without a specific duration (as defined in F.S. § 83.03(2))~~
71 ~~in which the rent is payable on a month to month basis may be terminated by either the~~
72 ~~landlord or tenant by giving not less than one hundred eighty (180) days written notice~~
73 ~~prior to the end of any monthly period.~~

74 ~~**Sec. 20-213. - Required fair written notice of rental payment increases for non-**~~
75 ~~**residential tenancies.**~~

76 ~~A non-residential landlord that proposes to increase the current rental rate by more~~
77 ~~than five percent (5%) at the end of a lease for a specific duration, or during a tenancy~~
78 ~~without a specific duration (as defined in F.S. § 83.03(2)) in which the rent is payable~~
79 ~~on a month to month basis, must provide one hundred eighty (180) days written notice~~
80 ~~to the tenant before the tenant must either:~~

- 81 ~~(1) Accept the proposed amendment;~~
- 82 ~~(2) Reach an acceptable compromise; or~~
- 83 ~~(3) Reject the proposed amendment to their tenancy.~~

84 If the required 180-days written notice has been provided and the tenant has not
85 agreed to the proposed amendment or an acceptable compromise, the landlord may
86 impose the proposed amended term(s) or require the tenant(s) to vacate the premises.

87

88 **Section 3: Severability.** If any section, subsection, sentence, clause, phrase or
89 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of
90 competent jurisdiction, such portion shall be deemed a separate, distinct, and
91 independent provision, and such holding shall not affect the validity of the remaining
92 portions thereof.

93

94 **Section 4: Repeal of Laws in Conflict.** All ordinances or parts of ordinances in
95 conflict herewith are hereby repealed to the extent of such conflict.

96

97 **Section 5: Codification.** The sections of the ordinance may be made a part of
98 the City Code of Laws and ordinances and may be re-numbered or re-lettered to
99 accomplish such, and the word "ordinance" may be changed to "section", "division", or
100 any other appropriate word.

101

102 **Section 6: Effective Date.** This ordinance shall become effective 10 days after
103 passage.

104

105 The passage of this ordinance on first reading was moved by Vice Mayor McVoy,
106 seconded by Commissioner Malega, and upon being put to a vote, the vote was as
107 follows:

108

| | | |
|-----|------------------------------|-----|
| 109 | Mayor Betty Resch | AYE |
| 110 | Vice Mayor Christopher McVoy | AYE |
| 111 | Commissioner Sarah Malega | AYE |
| 112 | Commissioner Kimberly Stokes | AYE |
| 113 | Commissioner Reinaldo Diaz | AYE |

114

115 The Mayor thereupon declared this ordinance duly passed on first reading on the
116 17th day of October, 2023.

117

118

119 The passage of this ordinance on second reading was moved by
120 _____, seconded by _____, and upon being put to a vote,
121 the vote was as follows:

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123

| | |
|-----|------------------------------|
| 124 | Mayor Betty Resch |
| 125 | Vice Mayor Christopher McVoy |
| 126 | Commissioner Sarah Malega |
| 127 | Commissioner Kimberly Stokes |
| 128 | Commissioner Reinaldo Diaz |

128

129

130 The Mayor thereupon declared this ordinance duly passed on the _____ day of
131 _____, 2023.

132

133

134

LAKE WORTH BEACH CITY COMMISSION

135

136

137

By: _____
Betty Resch, Mayor

138

139 ATTEST:

140

141

142

143 _____
Melissa Ann Coyne, MMC, City Clerk