

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF KEY WEST,  
FLORIDA, AMENDING CHAPTER 18 OF THE CODE  
OF ORDINANCES, ENTITLED "BUSINESSES" BY  
AMENDING SECTION 18-387, TO CLARIFY  
INSURANCE REQUIREMENTS FOR RECREATIONAL  
RENTAL VEHICLES; PROVIDING FOR  
SEVERABILITY; PROVIDING FOR REPEAL OF  
INCONSISTENT PROVISIONS; PROVIDING FOR  
AN EFFECTIVE DATE**

WHEREAS, the City of Key West finds that it is necessary to amend its Code of Ordinances; and

WHEREAS, Florida Statute allows local governments to adopt ordinances governing the operation of micromobility devices and motorized scooters on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction; and

WHEREAS, the City is aware of other cities which have experienced negative impacts to the safety and/or welfare of the public by the unregulated use of personal transportation vehicles, such as electrical bicycles, motorized scooters, and micromobility devices; and

WHEREAS, the City itself has experienced negative impacts to the safety and/or welfare of the public by the use of personal transportation vehicles, such as electrical bicycles, motorized scooters, and micromobility devices; and

WHEREAS, the City wants to encourage alternative means

of transportation within the City to reduce automobile traffic and alleviate parking issues in a manner which will encourage the use of certain devices including but not limited to electrical bicycles, motorized scooters, micromobility devices and Recreational Rental Vehicles and other similar devices in the public right-of-way in a manner which will better promote the safety and general welfare of the City; and

WHEREAS, the City finds that the use of these devices on the sidewalks, shared use paths, streets, and roads may create a potential hazard due to the heavy use of such public areas by pedestrians and vehicles; and

WHEREAS, the City's current sovereign immunity limits are dictated by F.S. 768.28 and are subject to change; and

WHEREAS, various Recreational Rental Vehicle business owners and operators have stated that the current insurance requirements are cost prohibitive; and

WHEREAS, the City Commission deems in the City's best interests to balance the needs of the business owners and operators with the public's health, safety and welfare and the City's best interests and amend its Code of Ordinances to change the insurance requirements to the amounts recommended by staff and the City's insurance consultants; and

WHEREAS, the City Commission hereby finds that this Ordinance serves a legitimate government purpose, it is a permissible exercise of the City's powers and authority, and benefits the public health, safety, and welfare of the citizens, residents and guests of the City of Key West.

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

Section 1: That Section 18-387 of the Code of Ordinances is hereby added as follows\*:

Sec. 18-387. Insurance requirements.

[...]

(d)An operator shall maintain the following insurance coverages:

- (1)Commercial general liability ~~with limits of \$1,000,000.00 per occurrence, \$5,000,000.00 policy aggregate~~ in an amount not less than \$300,000.00 per occurrence or the maximum exposure under F.S. 768.28, whichever is higher, affording coverage for claims resulting from bodily injury (including death) and property damage.

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\*(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.)

(2)Automobile/motorcycle liability affording coverage on all motorized recreational rental vehicles used in connection with the operations or activities contemplated under this article. The operator should furnish the city with a policy affording coverage on all motorized recreational rental vehicles utilized by the business as rentals, including coverage for hired and non-owned auto exposures, with a combined single limit for bodily injury (including death) and property damage of ~~\$1,000,000.00~~ 300,000.00, or the maximum exposure under F.S. 768.28, whichever is higher, per accident.

[...]

(h)All businesses in operation prior to the effective date of this ordinance shall have a period of ~~six (6)~~ one (1) months from the effective date of the ordinance to comply with the provisions of this section.

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 \_\_\_\_\_, 2022.

Read and passed on final reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Filed with the Clerk \_\_\_\_\_, 2022.

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

\_\_\_\_\_  
TERI JOHNSTON, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK