

PROPOSED

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO LANDLORD-TENANT RELATIONS AND RENTAL NOTICES; AMENDING SECTIONS 20-105 AND 20-106 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); EXPANDING THE EXCEPTIONS TO THE REQUIRED NOTICES FOR TERMINATION OF A RESIDENTIAL TENANCY; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Vice-Mayor Lamar P. Fisher)

WHEREAS, on May 2, 2022, the Board of County Commissioners ("Board") enacted Ordinance No. 2022-21 that created Sections 20-105 and 20-106 of the Broward County Code of Ordinances ("Code") to require notices for termination of certain residential tenancies or certain increases in rent for residential tenancies in Broward County;

WHEREAS, the Board finds it is appropriate to expand the types of tenancies and terminations that are excluded from the scope of the notice requirements;

WHEREAS, the Board finds that Sections 20-105 and 20-106 of the Code should expressly not apply to residential properties that constitute "assisted living facilities" as defined in Chapter 429, Florida Statutes, as the termination of residency at such facilities and the rights of residents upon termination are set forth in that statutory chapter;

22 WHEREAS, the Board finds that the Code should specifically exclude from the
23 notice of termination the statutory ability of servicemembers to more freely terminate their
24 residential tenancies under circumstances described in Section 83.682, Florida Statutes,
25 such as deployment; permanent or long-term changes in station orders requiring a move
26 more than thirty-five (35) miles from the rental property; releases or involuntary discharge
27 from active duty orders; or an ability for the servicemember to move into government
28 quarters; and

29 WHEREAS, the Board finds that the Code should exclude from the notice
30 requirements termination of tenancies as a result of an eviction proceeding or upon
31 issuance of a writ of possession, or the ability of residential landlords and tenants to
32 terminate rental agreements as provided in Section 83.56, Florida Statutes, including, but
33 not limited to circumstances: (a) where a landlord or tenant fails to maintain the rental
34 property as required under Sections 83.51 and 83.52, Florida Statutes; (b) where a
35 landlord or tenant fails to comply with material provisions of the rental agreement; or (c)
36 where a tenant fails to pay rent as required,

37 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
38 BROWARD COUNTY, FLORIDA:

39 Section 1. Sections 20-104 and 20-105 of Chapter 20 of the Broward County
40 Code of Ordinances are hereby amended to read as follows:

41 **Sec. 20-104. Applicability.**

42 The provisions of this division shall apply countywide, unless in conflict with an
43 applicable municipal ordinance, pursuant to Section 11.01 of the Broward County Charter.
44 Unless otherwise provided, nothing in this division shall be construed to relieve a person

from compliance with applicable county and municipal regulations. The provisions of this division apply to tenancies for residential properties subject to Part II of Chapter 83, Florida Statutes; and shall apply prospectively to new tenancies commencing on or after May 1, 2022, and prospectively to existing residential tenancies with renewal dates on or after September 1, 2022, provided that nothing in this division shall supersede a conflicting provision in a residential tenancy contract that was in effect on May 1, 2022.

The provisions of this division do not apply to: (i) the rental of mobile home lots governed under Chapter 723, Florida Statutes; ~~or to~~ (ii) "transient public lodging establishments" or "vacation rentals" licensed under Chapter 509, Florida Statutes; or (iii) "assisted living facilities" licensed under Chapter 429, Florida Statutes. This section only regulates the landlord-tenant relationship under Chapter 83, Florida Statutes; nothing in this section shall be construed to constitute regulation of public lodging establishments.

Sec. 20-105. Required written notice of termination of quarterly and monthly residential tenancies without specific duration; written notification requirements related to rental payment increases for all residential tenancies.

(a) Except as provided herein, a A residential tenancy without a specific duration and in which the rent is payable on a quarterly or monthly basis may be terminated by either the landlord or the tenant by giving not less than sixty (60) days' written notice prior to the end of the applicable quarterly or monthly period. The notice requirements of this section do not apply to terminations of a tenancy pursuant to Section 83.56 (addressing termination based on breaches of the rental agreement) or 83.682 (addressing termination of rental agreement by a servicemember), Florida Statutes. This section also does not apply to any termination of a rental agreement

68 resulting from issuance of a writ of possession or after entry of a final judgment or final
69 order of eviction or unlawful detainer in a civil action filed pursuant to Chapter 82 or 83 of
70 the Florida Statutes, or other applicable law.

71 (b) Unless notice of a subsequent increase of the rental rate is expressly
72 provided in writing in a lease for a specific term, a residential landlord that seeks to
73 increase the rental rate by more than five percent (5%) at the end of a lease for a specific
74 term or during a tenancy without a specific duration in which the rent is payable on a
75 quarterly or monthly basis, must provide sixty (60) days' written notice to the tenant.
76 Within said sixty (60) day period, the tenant must either:

77 (1) accept the increased rent;

78 (2) reach an acceptable compromise on rental amount; or

79 (3) reject the increased rent.

80 If the required sixty (60) days' written notice has been provided and the tenant has not
81 agreed to the increased rent or reached an acceptable compromise, at the landlord's
82 option, the landlord may impose the increased rent or require the tenant~~(s)~~ to vacate the
83 residence, or pursue any other remedy available under applicable law. This section does
84 not prohibit increases in rent pursuant to Section 83.58, Florida Statutes, for a tenant who
85 holds over and continues to be in possession of a residential property after expiration of
86 the rental agreement without the permission of the landlord.

87 . . .

88 Section 2. Severability.

89 If any portion of this Ordinance is determined by any court to be invalid, the invalid
90 portion will be stricken, and such striking will not affect the validity of the remainder of this

91 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
92 legally applied to any individual, group, entity, property, or circumstance, such
93 determination will not affect the applicability of this Ordinance to any other individual,
94 group, entity, property, or circumstance.

95 Section 3. Inclusion in the Broward County Code of Ordinances.

96 It is the intention of the Board of County Commissioners that the provisions of this
97 Ordinance become part of the Broward County Code of Ordinances as of the effective
98 date. The sections of this Ordinance may be renumbered or relettered and the word
99 "ordinance" may be changed to "section," "article," or such other appropriate word or
100 phrase to the extent necessary in order to accomplish such intention.

101 Section 4. Effective Date.
102 This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ Alexis Marrero Koratich 09/02/2022
Alexis Marrero Koratich (date)
Assistant County Attorney

By: /s/ Maite Azcoitia 09/02/2022
Maite Azcoitia (date)
Deputy County Attorney

AIK/gmb
Tenant Terminations Ordinance
09/02/2022
#60049-0210

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.