

PROPOSED

ORDINANCE NO.

1
2 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
3 COUNTY, FLORIDA, PERTAINING TO REPEALING ARTICLE IV OF CHAPTER 20 OF
4 THE BROWARD COUNTY CODE OF ORDINANCES (“CODE”); IMPLEMENTING
5 HB 1417 PREEMPTING THE REGULATION OF RESIDENTIAL TENANCIES AND
6 LANDLORD-TENANT RELATIONSHIP TO THE STATE OF FLORIDA; AND
7 PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE
8 DATE.

9 (Sponsored by the Board of County Commissioners)

10
11 WHEREAS, the availability of safe and affordable housing is an essential
12 component of individual and community well-being;

13 WHEREAS, protecting residential tenants from discrimination, unfair and illegal
14 rental practices, and significant rent increases with limited notice is fundamental to the
15 health, safety, and welfare of the community;

16 WHEREAS, in 2022, several Florida counties (including Broward County) and
17 municipalities enacted ordinances and regulations to provide specified protections to
18 tenants;

19 WHEREAS, in May and June of 2022, the Board of County Commissioners of
20 Broward County created Article IV of Chapter 20 of the Broward County Code of
21 Ordinances (“Code”), which enhanced protections of tenants by requiring landlords to
22 give at least 60 days’ notice of rent increases of more than 5%, and further required

23 landlords to provide tenants with a detailed notice regarding their rights and to provide
24 guidance to tenants regarding available community resources;

25 WHEREAS, in the 2023 legislative session, the Florida Legislature passed
26 HB 1417, which, among other things, preempted “[t]he regulation of residential tenancies,
27 the landlord-tenant relationship, and all other matters covered under [Part II of
28 Chapter 83, Florida Statutes] . . . including, but not limited to, the screening process used
29 by a landlord in approving tenancies; security deposits; rental agreements applications
30 and fees associated with such applications; terms and conditions of rental agreements;
31 the rights and responsibilities of the landlord and tenant; disclosures concerning the
32 premises, the dwelling unit, the rental agreement, or the rights and responsibilities of the
33 landlord and tenant; fees charged by the landlord; or notice requirements”;

34 WHEREAS, once signed by the Governor, HB 1417 will have an effective date of
35 July 1, 2023; and

36 WHEREAS, as the Florida legislature and Governor have seen fit to remove the
37 power of local governments to provide enhanced protections to their residents in the field
38 of residential tenancies, Part IV of Chapter 20 of the Code is now void and unenforceable,

39 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
40 BROWARD COUNTY, FLORIDA:

41 Section 1. As a result of the preemption contained in HB 1417, Article IV of
42 Chapter 20 of the Broward County Code of Ordinances, entitled “Landlord - Tenant
43 Relations,” is hereby repealed in its entirety.

44 Section 2. Severability.

45 If any portion of this Ordinance is determined by any court to be invalid, the invalid
46 portion will be stricken, and such striking will not affect the validity of the remainder of this
47 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
48 legally applied to any individual, group, entity, property, or circumstance, such
49 determination will not affect the applicability of this Ordinance to any other individual,
50 group, entity, property, or circumstance.

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

52 It is the intention of the Board of County Commissioners that the provisions of this
53 Ordinance become part of the Broward County Code of Ordinances as of the effective
54 date. The sections of this Ordinance may be renumbered or relettered and the word
55 “ordinance” may be changed to “section,” “article,” or such other appropriate word or
56 phrase to the extent necessary in order to accomplish such intention.

57 Section 4. Effective Date.

58 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 I. Marrero Koratich 05/30/2023
Alexis I. Marrero Koratich (date)
Assistant County Attorney

By: /s/ Nathaniel A. Klitsberg 05/30/2023
Nathaniel A. Klitsberg (date)
Senior Assistant County Attorney

AIK/cv
Landlord and Tenant Relations Ordinance
05/30/2023
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Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.