

# **ITEM #48**

(Substitute Ordinance)

## **ADDITIONAL MATERIAL REGULAR MEETING**

**JUNE 13, 2023**

**SUBMITTED AT THE REQUEST OF  
COUNTY ATTORNEY OFFICE**

**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.~~ This Ordinance shall be  
59 effective only if HB 1417 becomes law. If HB 1417 becomes law, this Ordinance shall  
60 take effect on the later of July 1, 2023, or the date HB 1417 becomes law. If for any reason  
61 HB 1417 does not become law, this Ordinance shall not go into effect and is void without  
62 the requirement of further action or vote of the Board of County Commissioners.

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                      06/07/2023  
         Alexis I. Marrero Koratich                      (date)  
         Assistant County Attorney

By: /s/ Nathaniel A. Klitsberg                      06/07/2023  
         Nathaniel A. Klitsberg                      (date)  
         Senior Assistant County Attorney

AIK/cv  
Landlord and Tenant Relations Ordinance  
06/07/2023  
iManage file#1036024v8

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