



Broward County

Legislation Text

File #: 23-977, Version: 1

Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

MOTION TO ENACT Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO REPEALING ARTICLE IV OF CHAPTER 20 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); IMPLEMENTING HB 1417 PREEMPTING THE REGULATION OF RESIDENTIAL TENANCIES AND LANDLORD-TENANT RELATIONSHIP TO THE STATE OF FLORIDA; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

Why Action is Necessary

Implements HB 1417 (2023 legislative session) preempting the regulation of residential tenancies and landlord-tenant relationship to the State of Florida.

What Action Accomplishes

Allows for the Board's consideration of the proposed Ordinance.

Is this Action Goal Related

No

Previous Action Taken

Summary Explanation/Background

In 2022, the Board enacted Article IV of Chapter 20 of the Code, which provided enhanced protections to residential tenants by requiring landlords to give at least 60 days' notice of rent increases of more than 5%, and further requiring landlords to provide tenants with a disclosure regarding their rights and information regarding available community resources.

In its 2023 session, the Florida legislature passed HB 1417 which, among other things, preempts to the state "[the regulation of residential tenancies, the landlord-tenant relationship, and all other matters covered under Part II of Chapter 83, Florida Statutes]." The preemption in HB 1417 "supersedes any local government regulations on matters covered under [Part II of Chapter 83, Florida Statutes], including, but not limited to, the screening process used by a landlord in approving tenants; security deposits; rental agreement applications and fees associated with such applications;

terms and conditions of rental agreements; the rights and responsibilities of the landlord and tenant; disclosures concerning the premises, the dwelling unit, the rental agreement, or the rights and responsibilities of the landlord and tenant; fees charged by the landlord; or notice requirements.”

Once signed by the Governor, HB 1417 will have an effective date of July 1, 2023.

On June 6, 2023, the Board is considering a Motion to Direct requiring the Office of the County Attorney to draft appropriate Ordinances for consideration by the Board to address any recommended amendments to the Code as a result of the 2023 Session of the Florida Legislature (Item #55).

As the Florida Legislature and Governor have seen fit to remove the ability of local governments to provide key protections to residential tenants, Article IV of Chapter 20 of the Code is now preempted, void, and unenforceable.

If this item is approved, the proposed Ordinance will implement HB 1417 by repealing all of Article IV of Chapter 20 of the Code.

The Office of the County Attorney has coordinated with the County Administrator to ensure that notice of this proposed Ordinance is published ten days prior to this public hearing so the Board can consider immediate enactment of the proposed Ordinance.

Based on the Board’s anticipated approval of the June 6, 2023, Motion to Direct, the Office of the County Attorney will review the Code and prepare Ordinances to amend or repeal any additional Code provisions that are preempted to the State of Florida under HB 1417.

Source of Additional Information

Nathaniel A. Klitsberg, Senior Assistant County Attorney, 954-357-7600

Fiscal Impact

Fiscal Impact/Cost Summary

Fiscal Impact Statement by the Office of Management and Budget is attached as Exhibit 2.