

ITEM #48

(Substitute Ordinance)

ADDITIONAL MATERIAL REGULAR MEETING

JUNE 13, 2023

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

PROPOSED

ORDINANCE NO.

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)

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

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

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

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

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

WHEREAS, in the 2023 legislative session, the Florida Legislature passed HB 1417, which, among other things, preempted “[t]he regulation of residential tenancies, the landlord-tenant relationship, and all other matters covered under [Part II of Chapter 83, Florida Statutes] . . . including, but not limited to, the screening process used by a landlord in approving tenancies; security deposits; rental agreements 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”;

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

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

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

Section 1. As a result of the preemption contained in HB 1417, Article IV of Chapter 20 of the Broward County Code of Ordinances, entitled “Landlord - Tenant 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
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Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.