

ORDINANCE NO. 2022-21

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO RESIDENTIAL TENANCIES; AMENDING CHAPTER 20 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"), CREATING ARTICLE IV, SECTIONS 20-104 THROUGH 20-106, PROVIDING FOR COUNTYWIDE APPLICABILITY, REQUIRING A WRITTEN NOTIFICATION PERIOD RELATED TO THE TERMINATION OF CERTAIN RESIDENTIAL TENANCIES AND RENT INCREASES, AND PROVIDING FOR ENFORCEMENT; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Senator Nan H. Rich, and Cosponsored by Commissioner Torey Alston)

WHEREAS, Part II of Chapter 83, Florida Statutes, known as the "Florida Residential Landlord and Tenant Act" (the "Act"), applies to tenancies of residential dwelling units and sets forth the rights and duties of landlords and tenants;

WHEREAS, Section 83.57 of the Act provides that, where there is no written lease, either landlord or tenant may terminate the lease by giving not less than (i) sixty (60) days' notice prior to the end of any annual period when the tenancy is from year to year; (ii) thirty (30) days' notice prior to the end of any quarterly period when the tenancy is from quarter to quarter; (iii) fifteen (15) days' notice prior to the end of any monthly period when the tenancy is from month to month; and (iv) seven (7) days' notice prior to the end of any weekly period when the tenancy is from week to week;

WHEREAS, Florida Attorney General Opinion No. 94-41 states that an "ordinance that merely supplements the notice provisions in Section 83.57, Florida Statutes, would not conflict with the statute and would, therefore, be valid";

WHEREAS, the Board desires to supplement the notice provisions in Section 83.57;

1 WHEREAS, during the COVID-19 pandemic, there was an influx of people moving
2 to Florida from states with higher wages and costs of living, causing an upsurge in rental
3 rates in Florida;

4 WHEREAS, the Board desires to provide Broward County residents with fair notice
5 of rent increases for residential tenancies; and

6 WHEREAS, this Ordinance shall apply prospectively to new residential tenancies
7 and renewals and shall not be read to supersede the terms of any existing residential
8 tenancies or renewals where the terms are binding on landlords and tenants,

9
10 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
11 BROWARD COUNTY, FLORIDA:

12
13 Section 1. Chapter 20 of the Broward County Code of Ordinances is hereby
14 amended to create Article IV, Sections 20-104 through 20-106, to read as follows:

15 [Underlining omitted]

16 **ARTICLE IV. RENTAL NOTICES**

17 **Sec. 20-104. Applicability.**

18 The provisions of this article shall apply countywide, unless in conflict with an
19 applicable municipal ordinance, pursuant to Section 11.01 of the Broward County Charter.
20 Unless otherwise provided, nothing in this article shall be construed to relieve a person
21 from compliance with applicable county or municipal regulations. The provisions of this
22 article shall apply prospectively from May 1, 2022, and shall not apply to or supersede
23 the terms of any residential tenancies or renewals, where the terms are binding on
24 landlords and tenants, that existed prior to May 1, 2022.

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

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

4 (a) A residential tenancy without a specific duration and in which the rent is
5 payable on a quarterly or monthly basis may be terminated by either the landlord or tenant
6 by giving not less than sixty (60) days' written notice prior to the end of the applicable
7 quarterly or monthly period.

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

- 14 (1) accept the increased rent;
15 (2) reach an acceptable compromise on rental amount; or
16 (3) reject the increased rent.

17 If the required sixty (60) days' written notice has been provided and the tenant has not
18 agreed to the increased rent or reached an acceptable compromise, at the landlord's
19 option, the landlord may impose the increased rent or require the tenant(s) to vacate the
20 residence, or pursue any other remedy available under applicable law.

21 (c) Except for the notice provisions set forth in Sections (a) and (b) above, all
22 other provisions of Part II of Chapter 83, Florida Statutes, as such may be amended, shall
23 govern residential tenancies.

1 **Sec. 20-106. Enforcement.**

2 This article may be enforced by code enforcement officers, including municipal
3 code enforcement officers, and any law enforcement agency having jurisdiction of the
4 area within which the residential tenancy at issue is located pursuant to Section 125.69
5 and Chapter 162, Florida Statutes, or any applicable municipal code enforcement
6 provision.

7
8 Section 2. Severability.

9 If any portion of this Ordinance is determined by any court to be invalid, the invalid
10 portion will be stricken, and such striking will not affect the validity of the remainder of this
11 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
12 legally applied to any individual, group, entity, property, or circumstance, such
13 determination will not affect the applicability of this Ordinance to any other individual,
14 group, entity, property, or circumstance.

15
16 Section 3. Inclusion in the Broward County Code of Ordinances.

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

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Section 4. Effective Date.

This Ordinance is effective as of the date provided by law.

ENACTED April 26, 2022

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

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

By /s/ Alexis Marrero Koratich 04/11/2022
Alexis Marrero Koratich (date)
Assistant County Attorney

By /s/ Maite Azcoitia 04/11/2022
Maite Azcoitia (date)
Deputy County Attorney

AIK/gmb
Chapter 20 Fair Notice Ordinance
04/11/2022
#60053-0047

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