Agenda Item #: <u>5B - 1</u>

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

| M | eeting | Date: | August | 22, | 2023 |
|---|--------|-------|--------|-----|------|
|---|--------|-------|--------|-----|------|

[] Consent [] Ordinance

[] Regular [X] Public Hearing

Submitted By: County Attorney

Submitted For: Administration

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: On preliminary reading and advertise for public hearing on September 19, 2023 at 9:30 A.M.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, repealing Chapter 14, Article II, Section 14-82, et seq., Palm Beach County Code, Ordinance No. 2022-027, "Notice of Termination of Residential Tenancies and Rental Payment Increase Ordinance"; providing for repeal of laws in conflict; providing for inclusion in the code of laws and ordinances; and providing for effective date.

On September 13, 2022, the Palm Beach County Board of County Summary: Commissioners (BCC) enacted Chapter 14, Article II, Section 14-82, et seq., Palm Beach County Code, Ordinance No. 2022-027, referred to as the "Notice of Termination of Residential Tenancies and Rental Payment Increase Ordinance" (Ordinance). On March 3, 2023, the Florida House of Representatives filed HB 1417, referred to as the "Residential Tenancies Bill". On the same day, a similar bill, SB 1586, was filed by the Florida Senate. On June 29, 2023, the Residential Tenancies Bill was signed by Governor Ron DeSantis and became law. The new law preempts to the state the regulation of residential tenancies, the landlord-tenant relationship, and all other matters covered under the Residential Tenancies part of Chapter 83, Florida Statutes. Section 83.425, Florida Statutes supersedes any local government regulations on matters including, but not limited to: the screening process used by a landlord in approving tenancies; 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. The law also amends Section 83.57, F.S. by extending the notice required for termination of month to month tenancies from 15 days to 30 days, and amends Section 83.575(1), F.S. by changing the notice required for termination of tenancies with specific duration to provide that such tenancies may not require less than 30 days' notice or more than 60 days' notice of termination from either the tenant or the landlord. This law became effective on July 1, 2023. Countywide (MM)

Background and Policy Issues: Given the signing of HB 1417 into law, the County Attorney recommends repeal of the County's Notice of Termination of Residential Tenancies and Rental Payment Increase Ordinance.

Attachment: 1. Ordinance repealing Chapter 14, Article II, Section 14-82, et seq., Palm Beach County Code, Ordinance No. 2022-027, "Notice of Termination of Residential Tenancies and Rental Payment Increase Ordinance"

| Recommended By: | 2 FR for De | 8/17/23 |
|-----------------|--------------------------------|---------|
| | County Attorney | Date |
| Approved By: | Hilfelm | 81823 |
| | Assistant County Administrator | 'Date |

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2023 | 2024 | 2025 | 2026 | 2027 |
|------------------------|------|------|------|------|------|
| | | | | | |
| Capital | | | | | |
| Expenditures | | | | | |
| Operating Costs | | | | | |
| External | | | | | |
| Revenues | | | | | |
| Program | | | | | |
| Income(County) | | | | | |
| In-Kind | | | | | |
| Match(County | | | | | |
| NET FISCAL | -0- | -0- | -0- | -0- | -0- |
| IMPACT | | | | | - |
| #ADDITIONAL | | | | | |
| FTE | | | | | |
| POSITIONS | | | | **** | |
| (CUMULATIVE | | | | | |

Is Item Included in Current Budget?YesNoDoes this item include the use of federal funds?YesNo

Fund Agency Organization Object

B. Recommended Sources of Funds/Summary of Fiscal Impact:

No Fiscal Impact

C. Departmental Fiscal Review:

III. REVIEW COMMENTS:

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

OFMB

8117/c Wag Contract Dev. & Control

B. Legal Sufficiency

Assistant County Atto

C. Other Department Review

Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

| 1 2 | ORDINANCE NO. 2023 | | | |
|--|---|--|--|--|
| 2 3 4 5 6 7 8 9 10 | AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING CHAPTER 14, ARTICLE II, SECTIONS 14-81, 14-82, AND 14-83, ORDINANCE NUMBER 2022-027; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR EFFECTIVE DATE. | | | |
| 11 | WHEREAS, on September 13, 2022, the Palm Beach County Board of County | | | |
| 12 | Commissioners (BCC) enacted Chapter 14, Article II, Sections 14-81, 14-82, and 14-83, Palm | | | |
| 13 | Beach County Code, Ordinance No. 2022-027, referred to as the Fair Notice Ordinance | | | |
| 14 | (Ordinance); and | | | |
| 15 | WHEREAS, the Florida Legislature enacted Senate Bill 1586 and House Bill 1417 that | | | |
| 16 | preempted regulation of residential tenancies and landlord-tenant relations to the State of Florida; | | | |
| 17 | and | | | |
| 18 | WHEREAS, Florida's Governor signed the law on, 2023; and | | | |
| 19 | WHEREAS, the new law requires the County to repeal its Fair Notice Ordinance to remain | | | |
| 20 | in compliance with State law. | | | |
| | | | | |
| 21 | NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY | | | |
| 21 22 | NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that: | | | |
| | | | | |
| 22 | COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that: | | | |
| 22 23 | COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that: Section 1. REPEAL | | | |
| 22 23 24 25 26 | COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that: Section 1. REPEAL Chapter 14, Article II, Sections 14-81, 14-82, and 14-83, Palm Beach County Code, | | | |
| 22 23 24 25 | COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that: Section 1. REPEAL Chapter 14, Article II, Sections 14-81, 14-82, and 14-83, Palm Beach County Code, Ordinance No. 2022-027, is hereby repealed in its entirety. | | | |
| 22 23 24 25 26 27 | COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that: Section 1. REPEAL Chapter 14, Article II, Sections 14-81, 14-82, and 14-83, Palm Beach County Code, Ordinance No. 2022-027, is hereby repealed in its entirety. Section 2. REPEAL OF LAWS IN CONFLICT: | | | |
| 22 23 24 25 26 27 28 29 30 | COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that: Section 1. REPEAL Chapter 14, Article II, Sections 14-81, 14-82, and 14-83, Palm Beach County Code, Ordinance No. 2022-027, is hereby repealed in its entirety. Section 2. REPEAL OF LAWS IN CONFLICT: All local laws and ordinances in conflict with any provisions of this Ordinance are hereby | | | |
| 22 23 24 25 26 27 28 | COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that: Section 1. REPEAL Chapter 14, Article II, Sections 14-81, 14-82, and 14-83, Palm Beach County Code, Ordinance No. 2022-027, is hereby repealed in its entirety. Section 2. REPEAL OF LAWS IN CONFLICT: All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict. | | | |
| 22 23 24 25 26 27 28 29 30 31 | COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that: Section 1. REPEAL Chapter 14, Article II, Sections 14-81, 14-82, and 14-83, Palm Beach County Code, Ordinance No. 2022-027, is hereby repealed in its entirety. Section 2. REPEAL OF LAWS IN CONFLICT: All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict. Section 3. INCLUSION IN THE CODE OF LAWS AND ORDINANCES: | | | |
| 22 23 24 25 26 27 28 29 30 31 32 | COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that: Section 1. REPEAL Chapter 14, Article II, Sections 14-81, 14-82, and 14-83, Palm Beach County Code, Ordinance No. 2022-027, is hereby repealed in its entirety. Section 2. REPEAL OF LAWS IN CONFLICT: All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict. Section 3. INCLUSION IN THE CODE OF LAWS AND ORDINANCES: The provisions of this Ordinance shall become and be made a part of the Palm Beach | | | |
| 22 23 24 25 26 27 28 29 30 31 32 33 34 35 | COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that: Section 1. REPEAL Chapter 14, Article II, Sections 14-81, 14-82, and 14-83, Palm Beach County Code, Ordinance No. 2022-027, is hereby repealed in its entirety. Section 2. REPEAL OF LAWS IN CONFLICT: All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict. Section 3. INCLUSION IN THE CODE OF LAWS AND ORDINANCES: The provisions of this Ordinance shall become and be made a part of the Palm Beach County Code. The sections of this Ordinance may be renumbered or relettered to accomplish such, | | | |
| 22 23 24 25 26 27 28 29 30 31 32 33 34 | COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that: Section 1. REPEAL Chapter 14, Article II, Sections 14-81, 14-82, and 14-83, Palm Beach County Code, Ordinance No. 2022-027, is hereby repealed in its entirety. Section 2. REPEAL OF LAWS IN CONFLICT: All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict. Section 3. INCLUSION IN THE CODE OF LAWS AND ORDINANCES: The provisions of this Ordinance shall become and be made a part of the Palm Beach County Code. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or other appropriate word. | | | |

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| 1 | APPROVED and ADOPTED by the Board of C | ounty Commissioners of Palm Beach County, Florida, |
|----|---|--|
| 2 | on this the day of, 2 | 2023. |
| 3 | | |
| 4 | JOSEPH ABRUZZO, CLERK | PALM BEACH COUNTY, FLORIDA, |
| 5 | OF THE CIRCUIT COURT & | BY ITS BOARD OF COUNTY |
| 6 | COMPTROLLER | COMMISSIONERS |
| 7 | | |
| 8 | | |
| 9 | By: | Ву: |
| 10 | Deputy Clerk | By: Gregg K. Weiss, Mayor |
| 11 | | |
| 12 | | |
| 13 | | |
| 14 | APPROVED AS TO FORM AND | |
| 15 | LEGAL SUFFICIENCY | |
| 16 | | |
| 17 | Al ada 1 | |
| 18 | By: Helene Column | |
| 19 | County Attorney | |
| 20 | | |
| 21 | | |
| 22 | Filed with the Department of State on the | e day of, 2023. |

Filed with the Department of State on the _____ day of ______, 2023.