Agenda Item #:

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: September 19, 2023	[] Consent	[]	Regular	
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[X] Ordinance [X] Public Hearing

Submitted By: County Attorney

Submitted For: Administration

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: 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"

2. Proof of Publication

Recommended By:

County Attorney

Approved By:

Assistant County Administrator

Date

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-
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POSITIONS CUMULATIVE					
COMOLATIVE				<u> </u>	
Item Included in C	Current Budg	et?	Yes	No	
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and Agency	Organ	nization Ol	bject		
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No Fiscal Im	pact				
. Departmental F	iscal Review	7 *			
		III. REVIEW C	OMMENTS	S:	
. OFMB Fisca	al and/or Co	ntract Dev. and	Control Co	mments:	
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OFM	B GA- Q	<u> </u>	Contract	Dev. & Control	19/12
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B. Legal Suffic	iency	0B 9/11/23	/21/6 ha.	03/	V
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Assistant Co	ounty Attorn	.037			
Assistant Cu	unty Attorn	Ey			
. Other Depai	rtment Revie	ew			

Department Director

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

1	ORDINANCE NO. 2023				
2 3 4 5 6 7 8 9	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 June 29, 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				
22	COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:				
23	Section 1. REPEAL				
24	Chapter 14, Article II, Sections 14-81, 14-82, and 14-83, Palm Beach County Code,				
25	Ordinance No. 2022-027, is hereby repealed in its entirety.				
26 27 28	Section 2. REPEAL OF LAWS IN CONFLICT:				
	All local laws and ordinances in conflict with any provisions of this Ordinance are hereby				
29	repealed to the extent of such conflict.				
30 31 32	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				
33	County Code. The sections of this Ordinance may be renumbered or relettered to accomplish such,				
34	and the word "ordinance" may be changed to "section", "article", or other appropriate word.				
35	Section 4. EFFECTIVE DATE:				
36 37	The provisions of this Ordinance shall become effective immediately after its adoption.				

1	APPROVED and ADOPTED by the Board of Co	ounty Commissioners of Palm Beach County, Florida,
2	on this the day of, 20	
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:	By:
10	Deputy Clerk	By: Gregg K. Weiss, Mayor
11	• •	, , ,
12		
13		
14	APPROVED AS TO FORM AND	
15	LEGAL SUFFICIENCY	
16		
17	-01	
18	By:	
19	County Attorney	
20	•	
21		
22	Filed with the Department of State on the	day of, 2023.

News Chief | Heraid-Tribune ws Heraid | The Paim Beach Post Northwest Florida Daily News

PO Box 631244 Cincinnati, OH 45263-1244

PROOF OF PUBLICATION

Jillian Zalewska Joseph Abruzzo Board of County Commissioners, Clerk of the Circuit Court & Comptroller. Po Box 4036 West Palm Beach FL 33402-4036

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of the Palm Beach Post, published in Palm Beach County, Florida; that the attached copy of advertisement, being a Public Notices, was published on the publicly accessible website of Palm Beach County, Florida, or in a newspaper by print in the issues of, on:

09/01/2023

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 09/01/2023

Legal Clerk

Notary, State of WI, County of Brown

My commision expires

Publication Cost:

\$154.50

10-25.

Order No:

9198305

of Copies:

Customer No:

741449

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NOTICE OF PUBLIC HEARING PLEASE TAKE NOTICE THAT AT 9:30 A.M. ON SEPTEMBER 19, 2023, in the Palm Beach County Governmental Center, Jane Thompson Memorial Chambers, 6th Floor, 301 North Olive Avenue, West Palm Beach FL., the Board of County Commissioners of Palm Beach County, FL., intends to hold a public County, FL., intends to hold a public hearing for the purpose of considering the following proposed Palm Beach County Ordinance (s):

An Ordinance of the Board of Palm

Beach County Ordinance (s):
An Ordinance of the Board of County Commissioners of Palm Beach County, Florida, repealing Chapter 14, Article II, Section 14-82, et sea., 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.

date.

A copy of the above-referenced proposed ordinance is available for inspection in the Minutes Department, 2nd floor, Room 203.2, Governmental Center. All interested parties may appear at the meeting and be heard with respect to the proposed ordinance(s). If a person decides to appeal any decision made by this commission with respect to any matter considered at this meeting or hearing they will need to have a record of the proceeding, and for that, for such purpose, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

JOSEPH ABRUZZO, Clerk of the Circuit Court & Comparison.

Clerk of the Circuit Court & Comptroller

Board of County Commissioners 9/1/23 9198305

RYAN SPELLER Notary Public State of Wisconsin