

ORDINANCE NO. 2023-17

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 9 “MISCELLANEOUS OFFENSES,” BY DELETING THE TITLE OF ARTICLE III, “LANDLORD/TENANT NOTICE REQUIREMENTS,” AND BY REPEALING SECTION 9-30 “REQUIRED FAIR WRITTEN NOTICE OF TERMINATION OF MONTHLY RESIDENTIAL TENANCY WITHOUT SPECIFIC DURATION” AND SECTION 9-31, “REQUIRED FAIR WRITTEN NOTICE OF RENTAL PAYMENT INCREASES FOR RESIDENTIAL TENANCIES,” DUE TO PREEMPTION BY THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the City Greenacres, Florida (the “City”) is a duly constituted municipality having such home rule power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Chapter 9 “Miscellaneous Offenses,” Article III “Landlord/Tenant Notice Requirements,” at Section 9-30 “Required fair written notice of termination of monthly residential tenancy without specific duration” and Section 9-31 “Required fair written notice of rental payment increases for residential tenancies,” provides for termination and rental increase notice requirements between landlords and tenants of residential tenancies; and

WHEREAS, this year, the Florida Legislature adopted a new law, section 83.425, Florida Statutes, effective July 1, 2023, that preempts the City and other local governments from the “regulation of residential tenancies, the landlord-tenant relationship, and all other matters covered under this part...”; and

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WHEREAS, based upon the State’s preemption of the field of residential tenancies, it is prudent for the City to amend Chapter 9 of the Code of Ordinances by repealing Section 9-30 and Section 9-31 and deleting the title of Article III; and

WHEREAS, the City Council finds and declares that the repeal of the preempted provisions is appropriate, and in the best interest of the health, safety, and welfare of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AS FOLLOWS:

Section 1.

The foregoing “WHEREAS” clauses are incorporated into this Ordinance as true and correct findings of the City Council.

Section 2.

Chapter 9, “Miscellaneous Offenses,” of the Code of Ordinances is hereby amended to delete the title of Article III and to repeal Sections 9-30 and 9-31 as follows:

~~ARTICLE III. - LANDLORD/TENANT NOTICE REQUIREMENTS~~ Reserved.

~~Sec. 9-30.—Required fair written notice of termination of monthly residential tenancy without specific duration.~~

~~A residential tenancy without a specific duration (as defined in F.S. § 83.46(2)) in which the rent is payable on a month-to-month basis may be terminated by either the landlord or tenant by giving not less than sixty (60) days written notice prior to the end of any monthly period.~~

~~Sec. 9-31.—Required fair written notice of rental payment increases for residential tenancies.~~

~~A residential landlord that proposes to increase the current rental rate by more than five (5) percent at the end of a lease with a specific duration, or during a tenancy without a specific duration (as defined in section F.S. § 83.46(2)) in which the rent is~~

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~~payable on a month-to-month basis, must provide sixty (60) days written notice to the tenant before the tenant must either:~~

- ~~(1) Accept the proposed amendment;~~
- ~~(2) Reach an acceptable compromise; or~~
- ~~(3) Reject the proposed amendment to their tenancy.~~

~~If the required sixty (60) days written notice has been provided and the tenant has not agreed to the proposed amendment or an acceptable compromise, the landlord may impose the proposed amended term(s) or require the tenant(s) to vacate the residence.~~

Section 3. Repeal of Conflicting Ordinances

All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. Severability

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 5. Inclusion in Code

It is the intention of the City Council, entered as hereby ordained, that the

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provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word “Ordinance” may be changed to “Section”, “Article” or another word.

Section 6. Effective Date

The provisions of this Ordinance shall become effective immediately upon its adoption.

[The remainder of this page intentionally left blank.]

Passed on the first reading this 6th day of November, 2023.

PASSED AND ADOPTED on the second reading this ____ day of _____, 2023.

Voted:

Joel Flores, Mayor

John Tharp, Council Member, *District I*

Attest:

Voted:

Quintella Moorer, City Clerk

Peter Noble, Deputy Mayor

Voted:

Judith Dugo, Council Member, *District III*

Voted:

Susy Diaz, Council Member, *District IV*

Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney