

46 **WHEREAS**, according to CoStar and GAI Consultants, Inc., asking rent in the County is
\$1,697.00 which represents a twenty-five-percent (25%) year-over-year increase; and

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50 **WHEREAS**, the Act does not provide for specific notice provisions for landlords seeking
to increase rental rates; and

52 **WHEREAS**, although some lease agreements contain provisions regarding increases in
rental rates, a landlord generally may not raise rent during the term of a lease; and

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56 **WHEREAS**, therefore, a landlord will have to wait until the end of the term of the lease
to raise the rent and it is expected that notice of an increase will be provided in accordance with
termination notices set forth by law or in accordance with the lease agreement; and

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60 **WHEREAS**, with respect to notices of termination of tenancy, if there is a rental
agreement with a specific duration and a notice of termination provision, Section 83.575 of the
Act provides that the notice required to terminate the tenancy may not exceed 60 days'; and

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64 **WHEREAS**, protecting residential tenants from unfair rental practices is fundamental to
the health, safety, and welfare of the community; and

66 **WHEREAS**, accordingly, the Board desires to require that residential landlords in
incorporated and unincorporated areas of Orange County provide tenants with a fair notice if their
rents are to increase by more than five-percent (5%) to protect tenants from extensive increases in
rent without adequate time to secure alternative housing.

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

74 **Section 1. Recitals.** The Recitals set forth above are hereby adopted and incorporated
into the body of this ordinance as if fully set forth herein.

76 **Section 2. Enactment of New Chapter 25, Article XIII, Rental Notices.** A new Rental
Notices ordinance, to be codified at Chapter 25, Article XIII of the Orange County Code, Section
25-370 through Section 25-449, is hereby enacted to read as follows:

78 **CHAPTER 25. LICENSES, TAXATION AND
MISCELLANEOUS BUSINESS REGULATIONS**

80 * * *

ARTICLE XIII. RENTAL NOTICES

82 **Section 25-370. Title.**

84 This article shall be titled "Rental Notices."

86 **Section 25-371. Required written fair notice of termination
88 of quarterly and monthly residential
90 tenancies without specific duration; written
92 notification requirements related to rental
94 payment increases for certain residential
96 tenancies.**

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

108 (b) A residential landlord that proposes to increase the rental rate by
110 more than five-percent (5%) at the end of a lease for a specific
112 term, or during a tenancy without a specific duration in which
114 the rent is payable on a quarterly or monthly basis, shall provide
116 sixty (60) days' written notice of the increase to the tenant.

118 (1) Within said sixty (60) day period, the tenant shall either:

- 120 (i) Accept the rental increase;
- 122 (ii) Reach an acceptable compromise on rental amount; or
- 124 (iii) Reject the rental increase.

126 (2) If the required sixty (60) days' written notice has been
128 provided and the tenant has rejected the rental increase or
130 failed to reach an acceptable compromise on rental amount,
132 then the landlord may impose the rental increase or require
134 the tenant(s) to vacate the residence upon the tenancy's
136 termination.

138 (3) The landlord shall retain a copy of the notice of rental
140 increase and proof of delivery for a period of one (1) year.

142 (c) The requirements of this article shall apply within incorporated
144 and unincorporated areas of Orange County. In accordance with
146 Chapter 723, Florida Statutes, this article shall not apply to

126 mobile home lot rents in mobile home parks or the related
127 landlord-tenant relationships.

128
129 (d) Except for the notice provisions set forth in subsections (a) and
130 (b) above, all other provisions of Part II of Chapter 83, Florida
131 Statutes, as may be amended, shall govern residential tenancies.

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133 **Section 25-372. Enforcement and Penalties.**

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135 (a) The Orange County Neighborhood Services Division (or such
136 successor County division or department responsible for the
137 enforcement of the County Code of Ordinances) is empowered
138 to investigate any situation where a complaint is made that this
139 article has been violated.

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141 (b) The Orange County Neighborhood Services Division (or such
142 successor County division or department responsible for the
143 enforcement of the County Code of Ordinances) is authorized to
144 enforce this article through the issuance of a noncriminal civil
145 citation in accordance with Part II of Chapter 162, Florida
146 Statutes, and the County's Code Enforcement Citation Program
147 contained in Chapter 11, Article III of the Orange County Code
148 of Ordinances.

149
150 (c) Violations of this article shall be considered a Class III violation
151 and subject to a fine as provided in Section 11-67 of the Orange
152 County Code of Ordinances.

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154 **Sections 25-373 – 25-449. Reserved.**

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156 **Section 3. Amendment to Section 11-62.** Section 11-62 (“Applicable codes and
157 ordinances”) is amended to read as follows, with additions being shown by underlines and
158 deletions being shown by strike-throughs:

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160 **Sec. 11-62. Applicable codes and ordinances.**

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162 A schedule of codes and ordinances, which may be enforced
163 pursuant to the supplemental code enforcement citation procedures
164 contained herein, is set out directly below as Schedule “A”. Where
165 a chapter or part of a chapter is referenced, all sections within that
166 chapter or part are subject to enforcement by citation. If a section
within a referenced chapter has a specific penalty identified therein,
that more-specific penalty shall prevail so long as it does not exceed

168 the maximum penalty permitted by F.S. ch. 162, as amended. The
 170 schedule of codes and ordinances shall include such codes and
 172 ordinances as they may be from time to time amended, renumbered,
 174 codified, or recodified including codes and ordinances enacted
 subsequent to the adoption of this article.

SCHEDULE "A"

| Code Provision | Description | Class |
|-------------------------|--|-------|
| Chapter 2, Article IX | Emergency management | III |
| Section 3-101 | Adult entertainment establishment general operational rules | II |
| Section 9-277 | Property maintenance | I |
| Chapter 15 | Environmental control | III |
| Chapter 18 | Fire prevention and protection | III |
| Section 21-3 | Uniform numbering system | I |
| Section 21-239 | Vending operation on public right-of-way or unpermitted vending operation on property abutting a public right-of-way | II |
| Chapter 24 | Landscaping, buffering and open space | I |
| Chapter 25, Article II | Garage Sales | I |
| Chapter 25, Article III | Local business taxes | II |

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|-------------------------------------|--|------------|
| <u>Chapter 25, Article XIII</u> | <u>Rental Notices</u> | <u>III</u> |
| Chapter 28, Article II | Lot Cleaning | I |
| Chapter 28, Article III | Parking of motor vehicles on residentially and agriculturally zoned property | II |
| Chapter 31.5 | Signs | III |
| Chapter 32 | Solid Waste | II |
| Chapter 38 | Zoning | II |

Section 4. Repeal of Laws in Conflict. All local laws and ordinances in conflict with
any provision of this ordinance are hereby repealed to the extent of such conflict.

Section 5. Filing of Ordinance and Effective Date. This ordinance shall take effect
pursuant to general law.

ADOPTED THIS ____ DAY OF _____, 20__.

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ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: _____
Deputy Clerk