

PROPOSED

ORDINANCE NO. 2021-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE NONREGULATION OF FIREARMS, AMMUNITION, OR COMPONENTS THEREOF; AMENDING VARIOUS SECTIONS OF CHAPTERS 2 AND 22½ OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, on January 9, 2020, the Seventeenth Judicial Circuit determined several provisions of the Broward County Code of Ordinances ("Code") violated the state preemption on firearms and ammunition set forth under Section 790.33, Florida Statutes;

WHEREAS, the Fourth District Court of Appeal affirmed the decision of the trial court, declaring various provisions of the Code invalid;

WHEREAS, the Code provisions found to be preempted have never been enforced or threatened to be enforced with respect to firearms, ammunition, and components thereof, and the County has never intended to regulate firearms, ammunition, and components thereof through these provisions; and

WHEREAS, this amendment further clarifies that the County does not in any way regulate firearms, ammunition, or components thereof in violation of state law,

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

1 Section 1. Section 2-2 of the Broward County Code of Ordinances is hereby
2 amended to read as follows:

3 **Sec. 2-2. Definitions.**

4 For the purpose of this Chapter 2, the following terms, phrases, words, and their
5 derivations shall have the meanings given herein when not inconsistent with the text,
6 unless otherwise specifically defined, or the context of their usage clearly indicates
7 another meaning. The word "shall" is mandatory, and the word "may" is permissive.
8 Words relating to aeronautical practices, processes, and equipment shall be construed
9 according to their usage in the aviation industry.

10 . . .

11 ~~(jj) *Weapon* shall mean a gun, knife, blackjack, slingshot, metal knuckles, or~~
12 ~~any explosive device, or any other similar instrument capable of being utilized to coerce,~~
13 ~~intimidate, or injure a person or property.~~

15 Section 2. Section 2-39 of the Broward County Code of Ordinances is hereby
16 amended to read as follows:

17 **Sec. 2-39. Airport security and animal control at Fort Lauderdale-Hollywood**
18 **International Airport.**

19 . . .

20 ~~(e) *Weapons.*~~

21 ~~(1) Unless duly authorized by state or federal law, no person, other than~~
22 ~~federal, state, or local law enforcement officers on duty, shall carry or~~
23 ~~transport any weapon at the Airport in a manner contrary to governing law,~~

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underscored type are additions.

1 provided that this prohibition shall not be applicable to the extent preempted
2 by Chapter 790, Florida Statutes.

3 (2) ~~No person shall discharge any gun at the Airport, except as authorized by~~
4 ~~state or federal law, such as in the performance of official duties requiring~~
5 ~~the discharge thereof or in the lawful defense of life or property, provided~~
6 ~~that this prohibition shall not be applicable to the extent preempted by~~
7 ~~Chapter 790, Florida Statutes.~~

8 (3) ~~No person shall furnish, give, sell, or trade any weapon or simulated~~
9 ~~weapon at the Airport unless authorized under appropriate lease with or~~
10 ~~permit issued by the County, provided that this prohibition shall not be~~
11 ~~applicable to the extent preempted by Chapter 790, Florida Statutes.~~

12 (4) ~~No person shall introduce a prohibited item, as defined by the TSA~~
13 ~~Prohibited Items List, as amended, into a Restricted Area.~~

14 (f) (e) *Animals in Airport Terminals and Adjacent Areas.*

15 . . .

16 (g) (f) *Enforcement.* Law enforcement officers assigned to the Airport and such
17 other Aviation Department employees designated by the Aviation Department shall be
18 responsible for enforcement of this Section 2-39, and shall have the authority to issue
19 the following for violations of this Section 2-39: (a) citations under Chapter 8½ of the
20 Code; and (b) violation notices pursuant to the written policy established by the Aviation
21 Director and incorporated into the Airport Security Program. Notwithstanding the
22 foregoing, sole enforcement of ~~sub~~Sections 2-39~~(f)~~(e) and ~~2-39(g)~~ shall be by
23 authorized law enforcement or the Transportation Security Administration.

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1 ~~(h)~~ (g) *Suspensions.* Any person to whom an approved Airport Issued
2 Identification Media has been issued by the Aviation Department and to whom a notice
3 of violation is issued for a violation of Section 2-39 shall be required to surrender his or
4 her Airport Issued Identification Media pursuant to the written policy established by the
5 Aviation Director and incorporated into the Airport Security Program. A person who has
6 been issued a notice of violation shall have the right to a hearing in accordance with
7 procedures established by the Aviation Director and incorporated into the Airport
8 Security Program.

9
10 Section 3. Section 2-137.1 of the Broward County Code of Ordinances is
11 hereby amended to read as follows:

12 **Sec. 2-137.1. Airport security at North Perry Airport.**

13 . . .

14 ~~(e)~~ *Weapons.*

15 ~~(1) Unless duly authorized by state or federal law, no person, other than~~
16 ~~federal, state, or local law enforcement officers on duty, shall carry or~~
17 ~~transport any weapon on the Airport in a manner contrary to governing law,~~
18 ~~provided that this prohibition shall not be applicable to the extent preempted~~
19 ~~by Chapter 790, Florida Statutes (firearms, ammunition, or components~~
20 ~~thereof).~~

21 ~~(2) No person shall furnish, give, sell, or trade any weapon or simulated~~
22 ~~weapon on the Airport unless authorized under appropriate lease with or~~
23 ~~permit issued by the County, provided that this prohibition shall not be~~

24
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1 applicable to the extent preempted by Chapter 790, Florida Statutes
2 (~~firearms, ammunition, or components thereof~~).

3 (~~f~~) (e) *Enforcement.* Law enforcement officers assigned to the Airport by the
4 Broward Sheriff's Office and/or the Pembroke Pines Police Department, or other
5 Department employees designated by the Director of Aviation or the Airport Manager,
6 shall be responsible for enforcement of this Section 2-137.1 and, where applicable, the
7 Federal Aviation Administration and the Transportation Security Administration.
8

9 Section 4. Section 22½-9A of the Broward County Code of Ordinances is
10 hereby amended to read as follows:

11 **Sec. 22½-9A. Operations—Minimum standards of conduct.**

12 The role of certificate, license, and permit holders is essential to enhance and
13 showcase public transportation services to the residents and visitors of Broward County.
14 Intrinsic to operation of a quality public transportation service is the conduct of each
15 certificate, license, and permit holder. Therefore, all such holders are required to comply
16 with the following minimum standards:

17 . . .

18 (~~u~~) ~~Possession of switchblades, knives, clubs, or other weapons by an~~
19 ~~operator, whether in the vehicle or on the person, is prohibited, provided~~
20 ~~that this prohibition shall not be applicable to the extent preempted by~~
21 ~~Chapter 790, Florida Statutes (firearms, ammunition, or components~~
22 ~~thereof).~~

23 (~~v~~) (u) Routes to trip destinations shall be the most direct and economical to the
24 passenger unless otherwise directed or agreed to by the passenger.

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1 ~~(w)~~(v) Each motor carrier shall keep accurate records of receipts from operations,
2 operating and other expenses, capital expenditures, and such other
3 operating information as may be required by the Division. The Director shall
4 be allowed access to the records during normal business hours for the
5 purposes of inspection or copy. Such records shall be confidential to the
6 full extent allowed by law.

7 ~~(x)~~ (w) No operator shall refuse to dispatch a taxicab to any place in Broward
8 County for service authorized by the terms of the applicable certificate.

9
10 Section 5. Severability.

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

17
18 Section 6. Inclusion in the Broward County Code of Ordinances.

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

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Section 7. Effective Date.

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

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

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

By /s/ Joseph K. Jarone 05/05/2021
Joseph K. Jarone (date)
Assistant County Attorney

By /s/ Adam M. Katzman 05/05/2021
Adam M. Katzman (date)
Senior Assistant County Attorney

JKJ/jl
Airport and Common Carrier Ordinance
05/05/2021
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