



Broward County

Legislation Text

File #: 21-879, Version: 1

Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

A. MOTION TO WAIVE Section 18.5(e)(1) of the Broward County Administrative Code, which requires that the Board first direct the County Attorney to draft a proposed ordinance.

ACTION: (T-12:40 PM) Approved.

VOTE: 7-0. Commissioner Furr and Vice-Mayor Udine were not present during the vote.

B. MOTION TO ENACT Ordinance, the title of which is as follows.

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)

ACTION: (T-12:40 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law.

VOTE: 7-0. Commissioner Furr and Vice-Mayor Udine were not present during the vote.

Why Action is Necessary

The proposed Ordinance was prepared by the Office of the County Attorney following litigation involving the validity of the ordinances being amended.

What Action Accomplishes

Enables the Board to consider enacting an Ordinance.

Is this Action Goal Related

No

Previous Action Taken

Summary Explanation/Background

On January 9, 2020, a Florida trial court declared that certain sections of the Broward County Code of Ordinances regarding the Fort Lauderdale-Hollywood International Airport, North Perry Airport, and common carriers were invalid and in violation of the state's preemption on firearms and ammunition. The County appealed, and the Fourth District Court of Appeal recently affirmed the trial court's ruling.

The County has, at no point, construed these ordinances as being applicable to firearms, ammunition, or components thereof, and has never enforced or threatened to enforce these ordinances. Nevertheless, due to the recent ruling, the Office of the County Attorney recommends amending these ordinances to remove the prohibitions on weapons. The proposed amendment will have no practical effect because: (i) these regulations were not being enforced; (ii) at airports, law enforcement enforces relevant state and federal law; and (iii) with respect to common carriers, the use and possession of weapons is already regulated by state law.

In addition, Florida Senate Bill 1884, which was recently engrossed, provides for attorney's fees if an ordinance is repealed after a lawsuit is filed. Therefore, in an abundance of caution, the Office of the County Attorney has coordinated with the County Administrator to ensure that notice of this proposed Ordinance was published ten (10) days prior to this public hearing so that the Board can consider immediate enactment of the proposed Ordinance.

Source of Additional Information

Joseph K. Jarone, Assistant County Attorney, 954-357-7600

Fiscal Impact

Fiscal Impact/Cost Summary

Per the Office of Management and Budget, the estimated impact on the budget does not exceed the threshold required for a Fiscal Impact Statement.