

1 A bill to be entitled
2 An act relating to Broward County; creating the
3 "Broward County Assault Weapons Ban Act";
4 defining "assault weapon" for purposes of the
5 act; prohibiting the sale, offer or display for
6 sale, giving, loan, transfer, acquisition, or
7 possession of any assault weapon within Broward
8 County, Florida; providing exceptions;
9 requiring persons in lawful possession of an
10 assault weapon to apply for a certificate of
11 possession by October 1, 2001; providing
12 application procedures for specified members of
13 the military or armed forces; providing
14 certificate requirements; requiring the Sheriff
15 of Broward County to adopt regulations and
16 establish procedures with respect to the
17 application for and issuance of certificates of
18 possession; prohibiting the sale or transfer of
19 an assault weapon on or after October 1, 2001,
20 to any person within the state other than a
21 licensed gun dealer; providing certification
22 procedure for persons obtaining title to an
23 assault weapon obtained by bequest or intestate
24 succession; providing alternatives to
25 application for certificate of possession;
26 providing certification procedure for persons
27 moving to Broward County in lawful possession
28 of an assault weapon; providing alternatives to
29 application for certificate of possession;
30 providing procedure for specified members of
31 the military or armed forces; specifying

1 conditions under which a person who has been
2 issued a certificate of possession for an
3 assault weapon may use such weapon; providing
4 for seizure and disposal of unlawful assault
5 weapons as contraband; providing a first degree
6 misdemeanor penalty for violation of the act;
7 providing for enforcement of the act; providing
8 for a referendum; providing a ballot statement;
9 providing an effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. This act shall be known as the "Broward
14 County Assault Weapons Ban Act," and shall be in effect within
15 the boundaries of Broward County, Florida.

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17 Section 2. Definitions.--As used in this act, the
18 following terms shall have the following meanings:

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20 (1) "Assault weapon" shall have the meaning of the
21 term "semiautomatic assault weapon" as defined in Title 18,
22 United States Code, Chapter 44, section 921(a)(30), and the
23 term "large capacity ammunition feeding device" as defined in
24 Title 18, United States Code, Chapter 44, section 921(a)(31):

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26 (2) "Person" shall have the same meaning as provided
27 in section 1.01, Florida Statutes.

28

29 Section 3. Assault weapons; sale, transfer, possession
30 prohibited; exceptions; certificate of possession.--

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32 (1) Notwithstanding any provision of this act to the
33 contrary, it shall be unlawful for any person within Broward
34 County to sell, offer or display for sale, give, lend,
35 transfer ownership of, acquire, or possess any assault weapon.
36 This subsection shall not apply to:

1 (a) The sale or transfer to, or possession by, any law
2 enforcement officer, agent, or law enforcement employee of the
3 Sheriff of Broward County; any law enforcement officer, agent,
4 or employee of a municipality, state, or the United States;
5 members of the Armed Forces of the United States; the
6 organized militia of this or any other state; or any law
7 enforcement officer to the extent that such officer is
8 otherwise authorized to acquire or possess an assault weapon
9 and is acting within the scope of his or her duties.

10 (b) The manufacture of assault weapons.

11 (c) The transportation of assault weapons if such
12 weapons are broken down and in a nonfunctioning state and are
13 not immediately accessible to any person.

14 (2)(a) Any person who lawfully possesses an assault
15 weapon, as defined in section 2 of this act, prior to October
16 1, 2001, shall, by October 1, 2001, apply to the Sheriff of
17 Broward County for a certificate of possession with respect to
18 such assault weapon. Any person who is a member of the
19 military or armed forces of this state or of the United
20 States, who lawfully possesses an assault weapon, as defined
21 in section 2 of this act, prior to October 1, 2001, and is
22 unable to apply for a certificate of possession of an assault
23 weapon by October 1, 2001, because he or she is or was on
24 official duty outside of Broward County, shall, within 90 days
25 after returning to Broward County, apply to the Sheriff of
26 Broward County for a certificate of possession of such assault
27 weapon.

28 (b) The certificate of possession of an assault weapon
29 issued by the Sheriff of Broward County shall contain a
30 description of the assault weapon that identifies the weapon
31 uniquely, including all identification marks of the weapon,

1 the full name, address, date of birth, and thumbprint of the
2 owner, and any other information as the Sheriff of Broward
3 County shall deem appropriate. The Sheriff of Broward County
4 shall adopt reasonable regulations to establish procedures
5 with respect to the application for and issuance of
6 certificates of possession for assault weapons pursuant to
7 this act.

8 (3)(a) No assault weapon lawfully possessed pursuant
9 to this act may be sold or transferred on or after October 1,
10 2001, to any person within this state other than to a licensed
11 gun dealer.

12 (b) Any person who obtains title to an assault weapon
13 for which a certificate of possession has been issued under
14 this section by bequest or intestate succession shall, within
15 90 days of obtaining title, either:

16 1. Apply to the Sheriff of Broward County for a
17 certificate of possession as provided in subsection (2);

18 2. Render the assault weapon permanently inoperable;

19 3. Sell the assault weapon to a licensed gun dealer;

20 or

21 4. Remove the assault weapon from Broward County.

22 (c) Any person who moves into Broward County in lawful
23 possession of an assault weapon shall, within 90 days after
24 his or her arrival in Broward County, either:

25 1. Render the assault weapon permanently inoperable;

26 2. Sell the assault weapon to a licensed gun dealer;

27 or

28 3. Remove the assault weapon from Broward County.

29 (d) Any person who is a member of the military or
30 armed forces of this state or of the United States who is in
31 lawful possession of an assault weapon and has been

1 transferred into Broward County after October 1, 2001, shall,
2 within 90 days after arriving in Broward County, apply to the
3 Sheriff of Broward County for a certificate of possession with
4 respect to such assault weapon.

5 (4) A person who has been issued a certificate of
6 possession for an assault weapon under this act may possess
7 such weapon only under the following conditions:

8 (a) At the person's residence, place of business, or
9 other property owned by that person, or on property owned by
10 another with the owner's express permission;

11 (b) While on the premises of a target range of a
12 public or private club or organization organized for the
13 purpose of practicing shooting at targets;

14 (c) While on a target range which holds a regulatory
15 or business license for the purpose of practicing shooting at
16 that target range;

17 (d) While on the premises of a licensed shooting club;

18 (e) While attending any exhibition, display, or
19 educational project which is about firearms and which is
20 sponsored by, conducted under the auspices of, or approved by
21 a law enforcement agency or a nationally recognized or
22 state-recognized entity that fosters proficiency in, or
23 promotes education about, firearms; or

24 (f) While transporting the assault weapon to any of
25 the places enumerated in this subsection, or to any licensed
26 gun dealer for servicing or repair, provided the assault
27 weapon is certified as required by this act.

28 (5) Any assault weapon sold, offered or displayed for
29 sale, given, loaned, transferred, acquired, or possessed in
30 violation of this act is declared to be contraband and shall
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1 be seized and disposed of in accordance with sections
2 932.701-932.707, Florida Statutes.

3 Section 4. A person who violates the provisions of
4 this act commits a misdemeanor of the first degree, punishable
5 as provided in section 775.082 or section 775.083.

6 Section 5. This act shall be enforced by the Sheriff
7 of Broward County and all law enforcement officers within
8 Broward County.

9 Section 6. The Board of County Commissioners of
10 Broward County shall schedule a referendum election in
11 accordance with provisions of law relating to elections
12 currently in force in Broward County to coincide with the
13 general election to be held on November 7, 2000. The subject
14 of such election shall be a referendum providing for the
15 adoption or rejection of this act. The referendum election on
16 the adoption or rejection of this act shall not be conducted
17 by mail ballot.

18 Section 7. The item that shall appear on the ballot on
19 the date of the referendum election described in section 6
20 shall be as follows:

21
22 (Title) ASSAULT WEAPONS TO BE PROHIBITED WITHIN BROWARD
23 COUNTY

24
25 (Issue) It shall be unlawful for any person within Broward
26 County to sell, offer or display for sale, give, lend,
27 transfer ownership of, acquire, or possess any assault weapon.
28 Excepted from this prohibition shall be law enforcement
29 officers, members of the armed forces and militia, and
30 manufacturers of assault weapons.

31

1 Yes_____

2 No_____

3 Section 8. This act shall take effect only upon its
4 approval by a majority vote of those qualified electors of
5 Broward County voting in a referendum to be held by the Board
6 of County Commissioners of Broward County in conjunction with
7 the general election to be held on November 7, 2000, in
8 accordance with the provisions of law relating to elections
9 currently in force, except that this section shall take effect
10 upon becoming a law. This referendum shall not be conducted
11 by mail ballot.

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