

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, RELATING TO FIREARMS AND AMMUNITION; AMENDING OR REPEALING PARTS OF THE ORLANDO CITY CODE RELATING TO THE REGULATION OF FIREARMS OR AMMUNITION IN RESPONSE TO RECENT CLARIFICATION OF STATE PREEMPTION; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 2011-109, Laws of Florida, takes effect October 1, 2011, the intent of which is to "declare all ordinances and regulations null and void which have been enacted by any jurisdictions other than state and federal, which regulate firearms, ammunition, or components thereof; to prohibit the enactment of any future ordinances or regulations relating to firearms, ammunition, or components thereof unless specifically authorized by [ ] general law..."; and now, therefore,

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AS FOLLOWS:**

**SECTION 1. SECTION 8.12, AMENDED.** Subsections 8.12(c) and (d), Code of the City of Orlando, Florida, are hereby amended as follows:

(c) *Weapons.* ~~No person shall~~ It is hereby made unlawful for any person to carry or transport on the property of any airport any dangerous weapon without first obtaining the permission of the director or his or her authorized representative. For the purposes of this part, the word "weapon" does not include firearms as defined in Chapter 790, Florida Statutes.

(d) *Explosives and Flammable Material.* ~~No person shall~~ It is hereby made unlawful for any person to carry any explosives or flammable material at an airport without first having obtained the permission of the director; provided, however, that this sentence shall not apply to:

(1) Flammable fuel contained in fuel tanks of motor vehicles and aircraft;

(2) Matches;

(3) Lighter and cleaning fluid in containers not greater ~~longer~~ than one-half (1/2) pint in capacity.

(4) Ammunition, or components thereof, as defined in Chapter 790, Florida Statutes.

**SECTION 2. SECTION 10.22, AMENDED.** Subsection 10.22(1), Code of the City of Orlando, Florida, is hereby amended as follows:

(1) Any person participating in a citizen bicycle patrol pursuant to the provisions of this section:

(a) Shall register with the Orlando Police Department and provide a certificate or other proof of successful completion of a course of instruction in bicycle riding and safety which shall include, at a minimum, the following skills and elements:

i) State laws and local ordinances relating to bicycle use.

ii) Bicycle handling.

iii) Pedestrian and vehicle avoidance.

iv) Collision avoidance.

(b) Shall wear distinctive clothing and visible identification, approved by the Chief of Police, while actively engaged in citizen bicycle patrol activities.

(c) Shall not carry on or about their person any ~~firearm or other~~ deadly weapon while actively engaged in citizen bicycle patrol activities. For the purposes of this part, the word "weapon" does not include firearms as defined in Chapter 790, Florida Statutes.

**SECTION 3. SECTION 43.38, REPEALED.** Section 43.38, Code of the City of Orlando, Florida, entitled "Weapons – Discharging Firearms,," is hereby repealed.

**SECTION 4. SECTION 43A.01, AMENDED.** Section 43A.01, Code of the City of Orlando, Florida, is hereby amended as follows:

**Sec. 43A.01. Definitions.**

(a) State of emergency means~~State of Emergency is hereby defined to consist of the~~ actual existence of or a clear and present danger of:

(1) Riot or other general public disorder; or

(2) Widespread disobedience of the law, characterized by the use of force or violence or any threat to employ force or violence; or

(3) Any natural disaster or manmade calamity including but not limited to flood, conflagration, cyclone, tornado, hurricane, earthquake, explosion, within or seriously affecting the City; and

(4) Substantial injury to persons or to property which constitutes an imminent threat to public peace or order and to the general welfare of the City, or any part or parts thereof, to such an extent that extraordinary measures should or must be taken to protect the public health, safety and welfare.

(b) ~~Firearm is hereby defined to be any revolver, pistol, automatic loading pistol, shotgun, rifle, machine gun, submachine gun, machine pistol, or any other weapon which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive.~~

(be) Weapon means ~~Weapon is hereby defined to be:~~

(1) Any dirk, slungshot, metallic knuckles, billie, switchblade knife; or

(2) Any ~~tear gas gun~~, chemical weapon or device except those designed to be carried in a woman's handbag or a man's pants or coat pocket and containing not more than one-half ounce of chemical; ~~or~~

(3) For the purposes of this part, the word "weapon" does not include firearms as defined in Chapter 790, Florida Statutes. ~~Any other dangerous or deadly device or instrument as set forth in Florida Statutes ch. 790.~~

(d) Alcoholic beverage means ~~Alcoholic Beverage is hereby defined to be~~ a liquor, wine, beer, or other intoxicating substance, containing more than 3.2% ~~three and two tenths (3.2) percent~~ of alcohol by weight.

(e) ~~Mayor shall~~ Mayor means the Mayor of the City of Orlando or the Mayor Pro Tem acting pursuant to section 3, Chapter 2, Orlando City Charter ~~City Charter Chapter 2, Section 3.~~

(f) ~~Public Parks are hereby defined as~~ Public parks means those areas listed in Sections 18A.02, 18A.03, and 18A.07 of the City Code ~~this Code.~~

**SECTION 5. SECTION 43A.04, AMENDED.** Section 43A.04, Code of the City of Orlando, Florida, is hereby amended as follows:

**Sec. 43A.04. Emergency Measures.**

Whenever the Mayor proclaims that a state of emergency exists, ~~as defined in Section 43A.01(a) herein,~~ the Mayor may then, or subsequently by further proclamation, order and promulgate all or any of the emergency measures provided in this section, in whole or in part, with such limitations and conditions as is deemed appropriate, to be applicable to the whole or to any geographical area of the City, and at such times, as he reasonably believes advisable. Such measures shall be effective only during the period of such state of emergency, and they shall be set forth by the proclamation in substantially the same manner as the following subsections:

(a) *Discretionary Prohibition upon Display or Sale of Weapons and Possession in a Public Place.*

(1) *Sale or Transfer of Weapons.* Until further notice from the Office of the Mayor, all persons are prohibited from selling or offering to sell, with or without consideration, purchasing, transferring, giving, distributing or exchanging any weapon; except, that this

provision does not apply as between duly authorized law enforcement officials acting in the official performance of their duty.

(2) *Display of Weapons in Stores.* Until further notice from the Office of the Mayor, the display by or in any store or shop of any weapon is prohibited.

(3) *Possession of Weapons.* Until further notice from the Office of the Mayor, the knowing possession in a public place of any weapon, except by duly authorized law enforcement officials or persons in military service acting in the official performance of their duty, is prohibited.

(b) *Discretionary Prohibitions upon Alcoholic Beverages, Flammable Liquids and Explosive Substances, and Public Congregations; Curfews.*

(1) *Dispensing of Alcoholic Beverages.* Until further notice from the Office of the Mayor, all persons are prohibited from selling or distributing any alcoholic beverage with or without payment or consideration therefor.

(2) *Possession of Alcoholic Beverages.* Until further notice from the Office of the Mayor, the possession by any person in a public place of any container or vessel containing an alcoholic beverage is prohibited.

(3) *Sale or Transfer of Flammable or Explosive Substances.* Until further notice from the Office of the Mayor, all persons are prohibited from knowingly purchasing, transferring, with or without consideration, giving, distributing or exchanging any flammable or explosive substance such as but not limited to gasoline, kerosene, lighter fluid, charcoal lighter, wood alcohol, fuel oil, phosphorous, magnesium, ~~black powder~~, grenade, ~~M~~molotov cocktail or dynamite; except, that filling stations may pour fuels into a tank properly affixed to an operable motor driven vehicle, bike, scooter, cycle, boat or airplane, when necessary for the propulsion thereof; and except, that heating substances may be delivered to residences, stores, office and other buildings, when poured into tanks properly affixed or connected to operable heating units. For the purposes of this part, the words "flammable or explosive substance" do not include ammunition, or components thereof, as defined in Chapter 790, Florida Statutes.

(4) *Possession of Flammable or Explosive Substances.* Until further notice from the Office of the Mayor, the knowing possession in a public place of any container containing any flammable or explosive substance, such as those enumerated in subsection (3) of this section is prohibited. For the purposes of this part, the words "flammable or explosive substances" do not include ammunition, or components thereof, as defined in Chapter 790, Florida Statutes.

(5) *Establishment of Curfew.* Until further notice from the Office of the Mayor, all persons in the City (or in certain geographical areas thereof specifically designated), are prohibited from being abroad in vehicles or on foot between the hours of \_\_\_\_\_ and \_\_\_\_\_, except for persons actually engaged in the performance of governmental or emergency duties, doctors of medicine or dentistry and other medical personnel proceeding to or from their places of work and their patients, public service employees proceeding to or from their

places of work, on-duty operators of ambulances or other emergency vehicles, and members of the media.

(6) *Public Congregations.* Until further notice from the Office of the Mayor, it is prohibited for any person or persons in a public place, to refuse to obey a reasonable and lawful command of a police officer or other law enforcement official to leave the immediate area or disperse, when fairly made to prevent a breach of the peace. Until further notice from the Office of the Mayor, all places of public assemblage are closed (with any designated exceptions).

(c) *Discretionary Closing of Public Parks.* Until further notice from the Office of the Mayor, all public parks (or certain public parks specifically designated) are closed and all persons are prohibited from entering into or being physically present in said parks, except for persons actually engaged in the performance of governmental or emergency duties in or about said parks.

**SECTION 6. ARTICLE III, CHAPTER 48, REPEALED.** Article III, Chapter 48, Code of the City of Orlando, Florida, entitled "Hunting Permit," is hereby repealed.

**SECTION 7. SCRIVENER'S ERROR.** The City Attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the City Clerk.

**SECTION 8. SEVERABILITY.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

**SECTION 9. EFFECTIVE DATE.** This ordinance takes effect immediately upon adoption.

**DONE, THE FIRST READING,** by the City Council of the City of Orlando, Florida, at a regular meeting, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**DONE, THE SECOND READING, AND ENACTED ON FINAL PASSAGE,** by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

BY THE MAYOR/MAYOR PRO TEMPORE OF  
THE CITY OF ORLANDO, FLORIDA:

\_\_\_\_\_  
Mayor / Mayor Pro Tempore

ATTEST, BY THE CLERK OF THE  
CITY COUNCIL OF THE CITY OF  
ORLANDO, FLORIDA:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM AND LEGALITY  
FOR THE USE AND RELIANCE OF THE  
CITY OF ORLANDO, FLORIDA:

\_\_\_\_\_  
City Attorney