

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-ha
y.

(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.

92
 93 (b) ~~Firearm~~ is hereby defined to be any revolver, pistol, automatic loading pistol,
 94 shotgun, rifle, machine gun, submachine gun, machine pistol, or any other weapon which will, is
 95 designed to, or may readily be converted to expel a projectile by the action of an explosive.

96
 97 (be) Weapon means ~~Weapon~~ is hereby defined to be:

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

100
 101 (2) Any ~~tear gas gun~~, chemical weapon or device except those designed to be
 102 carried in a ~~woman's~~ handbag or a ~~man's~~ pants or coat pocket and containing not more than one-
 103 half $\frac{1}{2}$ ounce of chemical; or

104
 105 (3) For the purposes of this part, the word "weapon" does not include firearms as
 106 defined in Chapter 790, Florida Statutes. Any other dangerous or deadly device or instrument as
 107 set forth in Florida Statutes ch. 790.

108
 109 (d) Alcoholic beverage means ~~Alcoholic Beverage~~ is hereby defined to be a liquor, wine,
 110 beer, or other intoxicating substance, containing more than ~~3.2%~~three and two tenths (3.2)
 111 percent of alcohol by weight.

112
 113 (e) ~~Mayor shall~~Mayor means the Mayor of the City of Orlando or the Mayor Pro ~~Ttem~~
 114 acting pursuant to section 3, Chapter 2, Orlando City Charter~~City Charter~~ Chapter 2, Section 3.

115
 116 (f) ~~Public Parks~~ are hereby defined as Public parks means those areas listed in ~~s~~Sections
 117 18A.02, 18A.03, and 18A.07 of the ~~City Code~~this Code.

118
 119 **SECTION 5. SECTION 43A.04, AMENDED.** Section 43A.04, Code of the City of
 120 Orlando, Florida, is hereby amended as follows:

121
 122 **Sec. 43A.04. Emergency Measures.**

123
 124 Whenever the Mayor proclaims that a state of emergency exists, ~~as defined in Section~~
 125 ~~43A.01(a) herein~~, the Mayor may then, or subsequently by further proclamation, order and
 126 promulgate all or any of the emergency measures provided in this section, in whole or in part,
 127 with such limitations and conditions as is deemed appropriate, to be applicable to the whole or to
 128 any geographical area of the City, and at such times, as he reasonably believes advisable. Such
 129 measures shall be effective only during the period of such state of emergency, and they shall be
 130 set forth by the proclamation in substantially the same manner as the following subsections:

131
 132 (a) *Discretionary Prohibition upon Display or Sale of Weapons and Possession in a*
 133 *Public Place.*

134
 135 (1) *Sale or Transfer of Weapons.* Until further notice from the Office of the
 136 Mayor, all persons are prohibited from selling or offering to sell, with or without consideration,
 137 purchasing, transferring, giving, distributing or exchanging any weapon; except, that this

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

140
141 (2) *Display of Weapons in Stores.* Until further notice from the Office of the
142 Mayor, the display by or in any store or shop of any weapon is prohibited.

143
144 (3) *Possession of Weapons.* Until further notice from the Office of the Mayor,
145 the knowing possession in a public place of any weapon, except by duly authorized law
146 enforcement officials or persons in military service acting in the official performance of their
147 duty, is prohibited.

148
149 (b) *Discretionary Prohibitions upon Alcoholic Beverages, Flammable Liquids and
150 Explosive Substances, and Public Congregations; Curfews.*

151
152 (1) *Dispensing of Alcoholic Beverages.* Until further notice from the Office of
153 the Mayor, all persons are prohibited from selling or distributing any alcoholic beverage with or
154 without payment or consideration therefor.

155
156 (2) *Possession of Alcoholic Beverages.* Until further notice from the Office of
157 the Mayor, the possession by any person in a public place of any container or vessel containing
158 an alcoholic beverage is prohibited.

159
160 (3) *Sale or Transfer of Flammable or Explosive Substances.* Until further notice
161 from the Office of the Mayor, all persons are prohibited from knowingly purchasing,
162 transferring, with or without consideration, giving, distributing or exchanging any flammable or
163 explosive substance such as but not limited to gasoline, kerosene, lighter fluid, charcoal lighter,
164 wood alcohol, fuel oil, phosphorous, magnesium, ~~black powder~~, grenade, Mmolotov cocktail or
165 dynamite; except, that filling stations may pour fuels into a tank properly affixed to an operable
166 motor driven vehicle, bike, scooter, cycle, boat or airplane, when necessary for the propulsion
167 thereof; and except, that heating substances may be delivered to residences, stores, office and
168 other buildings, when poured into tanks properly affixed or connected to operable heating units.
169 For the purposes of this part, the words "flammable or explosive substance" do not include
170 ammunition, or components thereof, as defined in Chapter 790, Florida Statutes.

171
172 (4) *Possession of Flammable or Explosive Substances.* Until further notice from
173 the Office of the Mayor, the knowing possession in a public place of any container containing
174 any flammable or explosive substance, such as those enumerated in subsection (3) of this section
175 is prohibited. For the purposes of this part, the words "flammable or explosive substances" do
176 not include ammunition, or components thereof, as defined in Chapter 790, Florida Statutes.

177
178 (5) *Establishment of Curfew.* Until further notice from the Office of the Mayor,
179 all persons in the City (or in certain geographical areas thereof specifically designated), are
180 prohibited from being abroad in vehicles or on foot between the hours of _____ and
181 _____, except for persons actually engaged in the performance of governmental or
182 emergency duties, doctors of medicine or dentistry and other medical personnel proceeding to or
183 from their places of work and their patients, public service employees proceeding to or from their

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

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

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

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

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

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

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

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

216 **DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City of
217 Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this _____ day of
218 _____, 2011.

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

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

228 _____
229 Mayor / Mayor Pro Tempore

230 ATTEST, BY THE CLERK OF THE
231 CITY COUNCIL OF THE CITY OF
232 ORLANDO, FLORIDA:

233

234

235 _____
City Clerk

236

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

240

241

242 _____
City Attorney