

## ORDINANCE NO. 11-020

### **AN ORDINANCE AMENDING SECTION 1-15-20 (FIREARMS) OF ARTICLE II (REGULATIONS FOR PROPERTIES AND FACILITIES OWNED OR LEASED BY COUNTY) OF CHAPTER 1-15 (PARKS AND RECREATION) OF THE ST. LUCIE COUNTY CODE OF ORDINANCES DELETING REGULATION OF FIREARMS DUE TO PREEMPTION BY THE STATE OF FLORIDA; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR PENALTIES; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR ADOPTION; AND PROVIDING FOR CODIFICATION**

**WHEREAS**, the Board of County Commissioners of St. Lucie County, Florida, has made the following determinations:

1. Section 790.33, Florida Statutes, provides, with some limited exceptions, that exclusive jurisdiction over the regulation of firearms in Florida, including the possession and transportation of firearms, is vested exclusively in the State of Florida and that any local ordinances to the contrary shall be null and void.
2. Section 790.06, Florida Statutes, authorizes the State of Florida to issue licenses to persons to carry concealed weapons or firearms in most areas of the state, including county parks and recreational areas.
3. Section 1-15-20, St. Lucie County Code of Ordinances, provides that no person shall carry, use or possess firearms of any description in any properties or facilities owned or leased by St. Lucie County.
4. Section 1-15-20, St. Lucie County Code of Ordinances, appears to be in conflict with Section 790.06, Florida Statutes.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of St. Lucie County, Florida:

Chapter 1-15 (Parks and Recreation) of the St. Lucie County Code of Ordinances, is hereby amended as follows:

#### **CHAPTER 1-15 PARKS AND RECREATION**

#### **ARTICLE II. REGULATIONS FOR PROPERTIES AND FACILITIES OWNED OR LEASED BY COUNTY**

#### **PART A. AMENDMENT OF SECTION 1-15-20. FIREARMS.**

Section 1-15-20 (Firearms) is hereby amended to read as follows:

#### **Section 1-15-20. Firearms.**

- (a) No person shall carry, use, or possess, ~~firearms of any description, air rifles or pistols, spring~~

~~guns,~~ bows and arrows or any other form of weapon which is potentially hostile to wildlife or dangerous to human safety on or in the areas regulated by this article, except as authorized by state law or when such items are used in a program sponsored, provided, or authorized by a unit of St. Lucie County government. Without limitation, a person may carry a concealed weapon or firearm to the extent permitted by Section 790.06, Florida Statutes.

(b) No person shall harm or cause harm in any way to wildlife, inclusive of all species of mammal, bird, reptile, or amphibian, or harm their nest or burrow on or in the areas regulated by this article, except that park/preserve personnel may be empowered to make such removals and scientists and students of wildlife biology may be given specimen collecting permits by the county administrator.

**PART B. CONFLICTING PROVISIONS.**

Special acts of the Florida legislature applicable only to unincorporated areas of St. Lucie County, and adopted prior to January 1, 1969, County ordinances and resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

**PART C. SEVERABILITY AND APPLICABILITY.**

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

**PART D. FILING WITH THE DEPARTMENT OF STATE.**

The Clerk is hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.

**PART E. EFFECTIVE DATE.**

This ordinance shall take effect upon filing with the Department of State.

**PART F. ADOPTION.**

After motion and second, the vote on this ordinance was as follows:

Chairman Chris Craft	AYE
Vice Chairman Chris Dzadvosky	NAY
Commissioner Tod Mowery	AYE
Commissioner Frannie Hutchinson	AYE
Commissioner Paula A. Lewis	AYE

**PART G. CODIFICATION.**

Provisions of this ordinance shall be incorporated in the Code of Ordinances of St. Lucie County, Florida, and the word "ordinance" may be changed

to “section,” “article,” or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that Parts B through G shall not be codified.

**PASSED AND DULY ADOPTED** this 5th day of July 2011.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
ST. LUCIE COUNTY, FLORIDA

\_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Chairman

APPROVED AS TO FORM AND  
CORRECTNESS:

BY: \_\_\_\_\_  
County Attorney