



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

February 17, 2014

Honorable Don Barbee Jr.  
Clerk of the Circuit Court  
Hernando County  
Room 131, 20 North Main Street  
Brooksville, Florida 34601-2800

Attention: Ms. Shannon Andrews, Administrative Services

Dear Mr. Barbee:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2014-3, which was filed in this office on February 17, 2014.

Sincerely,

Liz Cloud  
Program Administrator

LC/elr

Enclosure

## Shanna Andrews

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**From:** County Ordinances <CountyOrdinances@dos.myflorida.com>  
**Sent:** Monday, February 17, 2014 8:39 AM  
**To:** Shanna Andrews  
**Cc:** County Ordinances  
**Subject:** RE: Hernando County Ordinances  
**Attachments:** Hernando20140211\_Ordinance2014\_03\_Ack.pdf

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**From:** Shanna Andrews [<mailto:sandrews@co.hernando.fl.us>]  
**Sent:** Thursday, February 13, 2014 1:06 PM  
**To:** County Ordinances  
**Subject:** Hernando County Ordinances

<b>Sender Full Name:</b>	<b>Shanna Andrews</b>
<b>Sender Phone number:</b>	<b>352-754-4970</b>
<b>County Name:</b>	<b>Hernando</b>
<b>Ordinance Number:</b>	<b>2014-03</b>

*Shanna Andrews*

*Administrative Services*

Hernando County Clerk of Circuit Court

20 N. Main Street, Room 131

Brooksville, FL 34601

Phone (352) 754-4970

Fax (352) 754-4239

[sandrews@hernandocounty.us](mailto:sandrews@hernandocounty.us)

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Please note: Florida has a very broad Public Records Law. Most written communications to or from the Clerk's Office are public records available to anyone upon request. Your e-mail, including your e-mail address, may therefore, be subject to public disclosure.

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**ORDINANCE NO. 2014-3**

**AN ORDINANCE DELETING PROVISIONS OF THE HERNANDO COUNTY CODE OF ORDINANCES RELATING TO FIREARMS; AMENDING SECTIONS OF CHAPTER 15, CHAPTER 21, AND CHAPTER 22; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:**

**WHEREAS**, the State of Florida in 1987 declared by Legislative action “it is occupying the whole field of regulation of firearms and ammunition...” to the exclusion of all county or municipal authority; and

**WHEREAS**, the State of Florida through Legislative action in 2011 took further action adding additional penalties to local officials who make decisions to enforce any local firearm laws including a civil fine of up to \$5,000.00 and/or removal from elected office; and

**WHEREAS**, the Hernando County Board of County Commissioners took action in 2009 by passing ORDINANCE NO. 2009-04 to complete the repeal of existing legal authority for local regulations of firearms in light of the State Legislature preempting the field of firearm regulation; and

**WHEREAS**, in further review of other Ordinances it would be beneficial to clarify either by repeal or deleting any affected sections of the Ordinance(s); and

**WHEREAS**, it is the intent of the Board of County Commissioners to be in full compliance with Florida Statute Chapter 790, Weapons and Firearms.

**NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA THAT:**

SECTION 1. Section 5. Repeal of FOOTNOTE (1) Cross Reference as found in PART II – CODE OF ORDINANCES – Chapter 15, HEALTH AND SANITATION. Said Repeal only as to the cross reference of “firearm regulations, sec 21-31 et seq.” .

SECTION 2. Repeal of Article XII, Offenses and Miscellaneous Provisions; Local Emergencies Ordinance, Sec. 21-205 (b) (1) – Emergency management powers of the board of county commissioners or the individuals named herein if there is not a quorum of the board of county commissioners to act is hereby amended to only delete reference to the word “firearms” and shall now read as follows:

- (1) Prohibit or regulate the purchase, sale, transfer, or possession of explosives, combustibles, ~~firearms~~, dangerous weapons of any kind, or alcoholic beverages;

SECTION 3. Amending Paragraph (a) and (b) of Article 1, In General – Parks and Recreation, Sec. 22-20 – Hunting and Weapons.

- (a) Unless the Department has otherwise specifically authorized its use within any park property or recreational area, No person shall carry, use or possess any device capable of mechanically, rather than explosively, propelling or expelling a projectile. The devices prohibited include, but are not limited to, air rifles, air pistols, spring guns, gas guns, blow guns, paint ball guns, spear guns, bows, crossbows, water cannons, sling shots, bb guns and boomerangs. ~~air rifles pistols, spring guns, bows and arrows, paintguns, water cannon, bb guns, slingshots boomerangs, or any other form of weapon harmful of dangerous to wilflife or dangerous to human safety on or in any park property except at and in accordance with the rules and regulations as a participant in a program approved by the Board of County Commissioners, unless authorized by law.~~
- (b) ~~No h~~Hunting, trapping, or pursuit of wildlife by any means whatsoever will be permitted is prohibited on or within any park property or recreational area by unauthorized persons.

SECTION 4. Paragraph (a) of Article 1, In General – Parks and Recreation, Sec. 22-21 – Firearms, fireworks, and explosives is hereby amended to delete any reference to firearms and amended and restated as follows:

(a) No person, except law enforcement officers, shall at any time bring into, or have in their possession, or discharge anywhere, in any park, any ~~firearm, air rifle, airgun pistols, spring guns, gas guns, blow guns, paint ball guns, spear guns, bows, crossbows, water gun, toy gun cannons, sling shots, bb guns and boomerangs bow and arrow, speargun, or any toy or instrument that discharges projectiles either by air, elastic, explosive substance or any other force.~~

SECTION 5. Amend Article III, Environmentally Sensitive Land Public Use Ordinance, Sec. 22-68 – Definitions is hereby amended to delete “Firearm” and the definition of firearm.

SECTION 6. Repeal of Article III , Environmentally sensitive Land Public Use Ordinance, Sec. 22-71 – Activities (j) ~~Firearms. No person except law enforcement officers shall have within his or her possession any firearm while within any environmentally sensitive land unless in accordance with a valid concealed weapons permit and restated to read as:~~ *(j) Reserved for Future Use.*

SECTION 7. Severability.  
It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

SECTION 8. Inclusion in the Code.  
It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Amended Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the section of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word “ordinance” may be changed to “section”, “article”, or other appropriate designation.

SECTION 9. Conflicting Provisions Repealed.  
All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 10. Effective Date.

This ordinance shall take effect immediately upon receipt of official acknowledgement from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

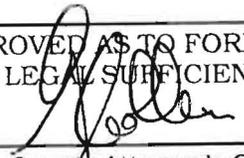
IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA in Regular Session this 11 day of February 2014.

Board of County Commissioners,  
Hernando County Florida

Attest  
By:   
Donald Barber, Clerk and  
Comptroller



By:   
Wayne Dukes, Chairman

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
BY   
County Attorney's Office