Agenda Item #:

## PALM BEACH COUNTY **BOARD OF COUNTY COMMISSIONERS**

# AGENDA ITEM SUMMARY

			· .		
Meeting Date:	September 13, 2011	[]	Consent Workshop	[X]	Regular Public Hearing
Department:	County Attorney				
Submitted By:	County Attorney				
Submitted For:	County Attorney				
	<u>i. i</u>	EXECUT	IVE BRIEF		
COUNTY COMMI ARTICLE 2, DIVIS DECLARATION OF FOR SEVERABILI	SSIONERS OF PALM SION 1, SECTION 9-35 OF FEMERGENCY; PROVI	BEACH OF THE DING FO NCLUSION	COUNTY, FI PALM BEACH OR REPEAL C ON IN THE CO	LORID I COU DF LAV DDE C	INANCE OF THE BOARD OF IA, AMENDING CHAPTER 9, NTY CODE; PROVIDING FOR VS IN CONFLICT; PROVIDING OF LAWS AND ORDINANCES; DATE.
purchase or posse a change in state I to the regulation	ssion of firearms during a aw, which prohibits a cou of firearms and ammun	a state ounty from the inition.	of emergency. In adopting any Any existing o	This a ordina ordinar	r's ability to restrict the sale, imendment is necessary due to ance, rule, or regulation relating ices, rules, or regulations not and must be amended. (AH,
section 790.33, proof firearms and ar possession, storag town, or municipa governments. Ar Additionally, Chapt district or other ent ammunition. Such jurisdiction the violational government amendment is need to see the section of t	ovides a preemption by the mmunition including the place, and transportation the lordinances or any adray such existing ordinater 2011-109 Laws of Flity violates the Legislature penalties extend to eleation occurred, and includofficial and could be call	ne legisla purchase ereof, to ministrati ances, r orida cre e's occu ected or des a civ use for	ature that it is one, sale, transfer the exclusion ive regulations ules or regulations attending the water pation of the water appointed local from	occupy er, tax of all e or ru ations s if an hole fie al gov office	which amends Florida Statute, ing the whole field of regulation ation, manufacture, ownership, existing and future county, city, ales adopted by local or state are declared null and void y person, county, municipality, eld of regulation of firearms and ernment officials under whose against the elected or appointed by the Governor. The above ection 9-35 of the Palm Beach
Attachments:	Proposed ordinance.				
	· · · · · · · · · · · · · · · · · · ·				
Recommended by	/:	Mu	Mhm	====:	8·23·11
	County A	ttorney			Date
Approved by:	N/A	· · · · · · · · · · · · · · · · · · ·			Date
					₽ <b>ale</b>

## II. FISCAL IMPACT ANALYSIS

# A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	2015
Capital Expenditures	\$	-0-	-0-	-0-	0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0	-0-
<b>Program Income (County)</b>	-0-	-0-	-0-	-0-	<del>-0-</del>
In-Kind Match (County)	-0-	-0-	0-	0-	-0- -0- -0- -0-
	4see	below			
NET FISCAL IMPACT	<del>-0~</del>	0	<u>-0-</u>	0	<u>-0-</u>
# ADDITIONAL FTE					
POSITIONS (Cumulative)					
Is Item Included in Curren	t Budget?	Yes	No		
Budget Account No.:	Fund	Depart	Unit		
aagot7.cooant11cn	Object	Program	OIII		
B. Recommended Source	es of Funds	s/Summary of Fi	scal Impact:		
D. Recommended Cource	o or runda	orounniary or i	scai iiiipact.		

- B. Recommended Sources of Funds/Summary of Fiscal Impact
- C. Departmental Fiscal Review:

C. Other Department Review:

Department Director

III.	REVIEW COMMENTS:	
A. OFMB Fiscal and/or Contract Dev	Contract Dev. and Control	J. Joeol 8/2011

#### ORDINANCE NO. 2011-\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY **PALM BEACH COMMISSIONERS** OF COUNTY. FLORIDA, AMENDING PALM BEACH COUNTY CODE, **EMERGENCY** CHAPTER **ARTICLE** II **MANAGEMENT**; **AMENDING SECTION** DECLARATION OF EMERGENCY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has determined that Chapter 9, Article II of the Palm Beach County Code, Emergency Management, Section 9-35, Declaration of emergency, needs to be amended in order to comply with Chapter 2011-109 Laws of Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that: Chapter 9 of the Palm Beach County Code of Law and Ordinances, Article II, Emergency Management, is hereby amended as follows:

#### Section 1.

Sec. 9-35. Declaration of Emergency, is hereby amended as follows:

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(d) In order to insure the public safety during a state of emergency declared pursuant to this article, the county administrator, in collaboration with municipalities located within the county, may establish a countywide curfew or a specific area curfew, to restrict travel and movement within the county. Other restrictions including, but not limited to, the sale, purchase, or possession of alcoholic beverages, firearms, or flammable substances, may be instituted by the county administrator or his designee. The duration and application of such emergency restrictions shall be tailored to meet the specific crisis and may be modified from time to time.

#### **Section 2. REPEAL OF LAWS IN CONFLICT:**

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

#### **Section 3. SEVERABILITY:**

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

#### Section 4. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:

The provisions of this Ordinance shall become and be made a part of the Palm Beach County Code. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

### **Section 5. CAPTIONS:**

The captions, section headings, and section designations used in this Ordinance are for convenience only and shall have no effect on the interpretation of the provisions of this Ordinance.

#### **Section 6. EFFECTIVE DATE:**

The provisions of this Ordinance shall become effective on filing with the Department of State.

County, Florida, on this the day of _	, 20
SHARON R. BOCK, CLERK AND COMPTROLLER	PALM BEACH COUNTY, FLORIDA, BY IT BOARD OF COUNTY COMMISSIONERS
By:	By:Karen T. Marcus, Chair
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	
By: Anne Odelyant County Attorney	
Filed with the Department of Sta	ate on the day of, 20

# FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM (CODRS) CODING FORM

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (850)245-6270 or Suncom 205-6270.

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COUNTY: (ff(m BEACH) COUNTY ORDINANCE # (201/- (e.g., 00-001)
PRIMARY KEYFIELD FIBEARMS  DESCRIPTOR: (FIBEARMS)
SECONDARY KEYFIELD EMERGENCY MANAGEMENT
OTHER KEYFIELD DESCRIPTOR: ()
ORDINANCE DESCRIPTION: (FIREARMS W STATE OF EMERGENCY) (25 characters maximum including spaces)
ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)
AMENDMENT # 1: (2005-043) AMENDMENT # 2: ()
ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)
REPEAL # 1: () REPEAL # 3: ()
REPEAL # 2: () REPEAL # 4: ()
(Others repealed: List all that apply):
(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: ()
KEYFIELD 1 CODE: ()  KEYFIELD 2 CODE: ()
KEYFIELD 3 CODE: () Rev. 4/10/04