

ORDINANCE NO. ____

PROPOSED ORDINANCE NO. 26-024

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF LAKELAND RELATING TO CIVIL EMERGENCIES; MAKING FINDINGS; AMENDING SECTION 26-8, ENTITLED "POLICE EMERGENCIES," IN ORDER TO REMOVE RESTRICTIONS RELATING TO FIREARMS AND OTHER WEAPONS DURING A LOCAL STATE OF EMERGENCY THAT CONFLICT WITH STATE LAW; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida has broadly preempted the regulation of firearms and ammunition, providing in §790.33, Florida Statutes, that "[e]xcept as expressly provided by the State Constitution or general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state government relating thereto;" and

WHEREAS, on May 28, 2025, Chapter 2025-103 of the Laws of Florida went into effect, repealing §870.044, Florida Statutes, which prohibited the sale, or display for sale, of firearms or ammunition and the intentional possession of firearms in a public place during local states of emergency relating to public disorder; and

WHEREAS, Section 26-8 of the Code of the City of Lakeland, Florida, entitled "Police Emergencies," currently provides that the sale of firearms and other weapons may be proscribed by the City during a local state of emergency arising from public disorder; and

WHEREAS, upon the repeal of §870.044, F.S., the authority of local governments to prohibit firearms during such local states of emergency was removed and the general preemption of the regulation of firearms by the State governs; and

WHEREAS, the City Commission wishes to amend Section 26-8 of the Code of the City of Lakeland in order to eliminate conflict with the broad preemption of the regulation of firearms by the State of Florida;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA:

SECTION 1. The foregoing findings are true and correct and are made a part hereof and incorporated herein by reference.

SECTION 2. Section 26-8 of the Code of the City of Lakeland is hereby amended as follows:

Chapter 26. – Civil Emergencies

Sec. 26-8. – Police Emergencies.

(a) A state of emergency may be declared because of civil unrest when the chief of police certifies to the city manager that an emergency condition arising from hostile actions of others, armed or unarmed, requires extraordinary measures for control, including but not limited to curfew; blockade; proscription of the sale of ~~firearms and other weapons~~, alcoholic beverages, explosives and combustibles; evacuation and other like actions.

(b) Declaration of a state of emergency because of civil unrest shall authorize the issuance of emergency resolutions provided for in subsections 26-5(c)(1), (2), (3), (4) and (8), as may be required.

SECTION 3. If any word, sentence, clause, phrase, or provision of this Ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this Ordinance shall not be affected thereby.

SECTION 4. This Ordinance shall become effective immediately upon its passage.

PASSED AND CERTIFIED AS TO PASSAGE this 8th day of September, A.D. 2026.

**CITY COMMISSION OF THE CITY OF
LAKELAND, FLORIDA**

By: _____
SARA ROBERTS MCCARLEY
MAYOR

ATTEST: _____
KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: _____
PALMER C. DAVIS
CITY ATTORNEY