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Via E-mail to: efriday@kingryfriday.com
Eric J. Friday
General Counsel
Florida Carry, Inc.
225 E. Church St.
Jacksonville, FL 32202

Re: Florida Carry Correspondence dated September 28, 2024

Dear Mr. Friday:

Thank you for your correspondence. First and foremost, generally stated, there is no fundamental disagreement over the legal concepts outlined in your Florida Carry, Inc. letter dated September 28, 2024 (the “Letter”).

By way of background, as you are no doubt aware of by now, Hurricane Helene (the “Hurricane”) landed ashore in Florida’s west coast as a Category 4 Hurricane on Thursday, September 26, 2024, with winds of 140 mph. Due to the onslaught of this Hurricane, on September 26, 2024, at approximately 8:30am, the City of Okeechobee (the “City”), through its City Council, enacted an Emergency Ordinance (No. 1297) which followed Okeechobee County’s Emergency Declaration issued the day before. The City’s Emergency Ordinance found that, with the onslaught of Hurricane Helene, a situation existed that potentially constituted an imminent threat to public safety, peace or order, and a threat to public and private property or persons. In these situations, local governments must act expeditiously. Those who have lived in the aftermath of major hurricanes are aware of this potential. Importantly, in addition, issuance of an emergency ordinance is a prerequisite to qualify for reimbursement for any damages sustained to public infrastructure or facilities.

On September 30, 2024, the City published a press release explaining the circumstances and acknowledging the inadvertent mistake in using an outdated emergency ordinance form that, legally and factually, did not apply to the circumstances at hand regarding Hurricane Helene. The Emergency Ordinance commenced upon the declaration by the Police Chief. Thereafter, upon recognizing the error, the Emergency Ordinance was terminated by the Police Chief on or about 9:51 pm, on the same date it was issued. Specifically, the Emergency Ordinance was terminated for two primary reasons.

One is that, fortunately, Hurricane Helene did not have a substantial impact on the City and its residents. Secondly, a provision prohibiting the sale of firearms and ammunition was inadvertently included in the Emergency Ordinance. Upon discovering this, the City and Police Chief acted expeditiously to terminate the Emergency Ordinance. Those are the facts.

At no time did the City, or the Police Chief, contemplate, nor take any action, to prohibit, confiscate or otherwise regulate firearms or ammunition in any fashion or manner. This was never the intention of the City. This was never implemented by the City. Moreover, to ensure this never happens again, the City has developed and implemented a new emergency ordinance form and process.

The City has, and always will, act in strict conformance with applicable law. This includes ensuring that Chapter 870 is not utilized as a basis for an emergency ordinances or declarations in response to hurricanes or other natural disasters, unless the legal and factual elements of Section 870.043, Florida statutes, are met.

As to your demand for *“payment of \$30,000 in damages and attorneys’ fees to resolve this matter prior to initiation of litigation”*, the City respectfully declines. We see no legal, factual or public policy basis for your organization demanding payment of taxpayer dollars to satisfy your assertion of *“damages and attorneys’ fees”*. The City is a rural small town that fundamentally believes in gun rights and the Second Amendment. From any standpoint, for Florida Carry, Inc. to take legal action against the City, under the circumstances described herein, is patently inappropriate and unjustified.

We hope that this provides important information to your organization.

Regards,



John J. Fumero
City Attorney

JJF/mdd