

RESOLUTION NO. 13 -

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, URGING THE FLORIDA LEGISLATURE TO REPEAL CERTAIN SECTIONS OF FLORIDA STATUTES THAT PREVENT LOCAL GOVERNMENTS FROM EXERCISING THEIR HOME RULE AUTHORITY TO REGULATE AND/OR PROHIBIT FIREARMS AND AMMUNITION IN PUBLIC PARKS AND OTHER LOCAL GOVERNMENT OWNED FACILITIES AND PROPERTY.

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution and Section 166.021 Florida Statutes, municipalities have been granted broad home rule powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and exercise any power for municipal purposes, except as otherwise provided by law; and

WHEREAS, Section 790.33, Florida Statutes, preempts local governments from enacting ordinances, regulations or rules relating to firearms and ammunition; and

WHEREAS, in 2011 the Florida Legislature amended Section 790.33, Florida Statutes, to clarify the preemption and impose the following penalties for violating the Legislature's preemption: (a) the Court shall declare the improper ordinance, regulation or rule invalid and issue a permanent injunction against the local government; (b) the Court shall assess a civil fine of up to \$5,000 against local government officials or administrators for knowing and willful violations; (c) knowing and willful violations by a person acting in an official capacity for any entity that violates the preemption shall be cause for termination of employment or contract or removal from office by the Governor; and (d) a person or organization whose membership is adversely affected by a preemption violation may file suit against a local government and may be entitled to reasonable attorney's fees and costs and the actual damages incurred in an amount up to \$100,000; and

WHEREAS, tragic mass shootings such as those in Newtown, Connecticut, Aurora, Colorado, Oak Creek, Wisconsin and Tucson, Arizona, raise awareness to risks that may affect the safe use and enjoyment of public parks and other local government owned facilities and property, many of which attract large groups of young children and the public; and

WHEREAS, in light of the recent mass shootings, and the current preemption of local government authority to regulate and/or prohibit firearms and ammunition in public parks and other local government owned facilities and property, the City Commission finds that it is in the best interest of the City to adopt this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the foregoing recitals contained in the preamble to this Resolution are incorporated by reference therein.

SECTION 2. That the City Commission of the City of Fort Lauderdale, Florida, urge the Florida Legislature to repeal Section 790.33, Florida Statutes, only to the extent necessary to permit local governments to exercise their home rule authority to regulate and/or prohibit firearms and ammunition in public parks and other local government owned facilities and property.

SECTION 3. That this Resolution is not intended to support any legislative action other than permitting local governments to regulate and/or prohibit firearms and ammunition in public parks and other local government owned facilities and property within their respective jurisdiction.

SECTION 4. That the City Clerk for the City of Fort Lauderdale, is directed to distribute this Resolution to the Broward Legislative Delegation, the Board of County Commissioners for Broward County, the Florida League of Cities, the Broward County League of Cities, and each of the municipalities in Broward County.

SECTION 5. That this Resolution shall be in full force and effect upon final passage.

ADOPTED this the ____ day of _____, 2013.

ATTEST:

Mayor
JOHN P. "JACK" SEILER

City Clerk
JONDA K. JOSEPH