

RESOLUTION NO. 2018- 18-03-6497

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, CALLING UPON THE STATE OF FLORIDA GOVERNOR RICK SCOTT, THE FLORIDA HOUSE OF REPRESENTATIVES, THE FLORIDA SENATE, PRESIDENT DONALD TRUMP AND THE FEDERAL GOVERNMENT TO ENACT GUN CONTROL LEGISLATION TO PREVENT MASS SHOOTINGS AND LARGE SCALE HUMAN LOSS OF LIFE AND SUFFERING FROM MASS SHOOTINGS IN AMERICA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is with a heavy heart that the City Commission of the City of North Lauderdale once again takes up the issue of gun control following the mass shooting at Marjory Stoneman Douglas High School in Parkland, Florida, on Valentine's Day, February 14, 2018, where fourteen (14) students ranging in age between 14 and 17 were killed along with three (3) teachers, and fifteen (15) other people were wounded; and

WHEREAS, National and State leaders continue to fail to act to implement sensible gun law reforms that are supported by a majority of the nation; and

WHEREAS, an increase in the amount of hate groups, international and lone wolf domestic terrorism, underfunded community mental health programs, and easy access to military grade, high capacity magazine assault weapons have created circumstances which have led to an unprecedented number of mass shootings in American communities in recent years; and

WHEREAS, in recent years mass shootings involving military-grade high capacity magazine assault weapons have occurred at Virginia Polytechnic Institute and State University, Blacksburg, in Virginia; Sandy Hook Elementary School, Monroe, Connecticut; Century 16 Movie Theater, Aurora, Colorado; a retirement party in a social services office, San Bernardino,

California; a church, Charleston, South Carolina; the Pulse Nightclub in Orlando, Florida; and more recently, the Route 91 Harvest Festival, Las Vegas, Nevada; the Sutherland Springs Church shooting, Sutherland Springs, Texas; and the Marjory Stoneman Douglas High School Valentine's Day Shooting, Parkland, Florida, resulting in the tragic death and maiming of large numbers of innocent citizens (including children) at great pain and costs to their families and our communities; and

WHEREAS, there have also been additional shootings at schools and other public places that did not involve military grade-high capacity magazine assault weapons, but did involve other types of weapons, including, but not limited to, handguns and shotguns; and

WHEREAS, according to the FBI more than 6,100 hate crimes were committed in the United States in 2016 and close to 5,900 in 2015 and the majority of these crimes are violent crimes; and

WHEREAS, according to the Gun Violence Archive, there have been 34 mass shootings in 2018 alone; and

WHEREAS, according to the Gun Violence Archive, there have been 1600 mass shootings since 2012. Together the mass shootings have resulted in 1,829 people killed and 6,447 wounded; and

WHEREAS, according to the "Everytown for Gun Safety Support Fund", there are on average 96 Americans killed by guns each day, 13,000 gun homicides a year in the United States and there is an average of 50 women shot to death per month by their intimate partners; and

WHEREAS, according to the "Everytown for Gun Safety Support Fund", seven children and teens are killed by guns on an average day in the United States; and

WHEREAS, the American Medical Association has deemed “uncontrolled ownership and use of firearms a serious threat to public health because the weapons are one of the main causes of intentional and unintentional injuries and deaths;” and

WHEREAS, according to The American Journal of Medicine, Americans are 10 times more likely to be killed by guns than people in other developed countries; and

WHEREAS, the military scaled weaponry used in the recent mass shootings in the United States exceeds the weaponry generally available to local law enforcement officers putting them and residents in their communities in unnecessary peril; and

WHEREAS, military grade-high capacity assault weapons and the grave hazard they present to communities and innocent citizens, have no valid role to serve in community and civilian life and are even disavowed by most reputable pro-hunting organizations; and

WHEREAS, according to multiple national surveys, the majority of the American public including legal gun owners, support extensive background checks for gun ownership and limiting the availability and use of military grade, high capacity magazine assault weapons to bona fide and highly trained law enforcement agencies; and

WHEREAS, the enactment of reasonable changes in gun laws and regulations would go a long way towards keeping guns out of the hands of criminals, making our communities safer, and preventing deaths; and

WHEREAS, pursuant to section 790.33, Florida Statutes, the regulation of firearms is preempted to the State of Florida; and

WHEREAS, section 790.33 prohibits the City from adopting any ordinance or administrative rule or regulation pertaining to firearms and ammunition; and

WHEREAS, in recognition of the existence of section 790.33, this Resolution shall not

constitute an administrative rule or regulation of firearms or ammunition; and

WHEREAS, by enacting this legislative position, the City Commissioners and the City Commission seek to exercise their individual and collective first amendment right to express a position on a matter of great public importance; and

WHEREAS, in *Dougan v. Bradshaw*, 198 So. 3d 878 (Fla. 4th DCA 2016), the 4th DCA held that Palm Beach County Sheriff Ric Bradshaw could not enforce a policy of taking a firearm from an individual believed to be suicidal and conditioning the return of the firearm on a court order as a result of the preemption set forth in section 790.33; and

WHEREAS, in 2016 more than 100 medical organizations signed a letter to Congress asking to lift the Dickey Amendment that banned the Center for Disease Control from researching guns as a serious public threat; and

WHEREAS, the City Commission, urges the United States Congress, President Donald Trump, the State of Florida legislators and Governor Rick Scott to utilize their lawful authority to enact gun legislation that would:

1. effectively ban military-style assault weapons, such as AR-15s, and their component parts, including high-capacity magazines and bump stocks, limiting the use of these weapons to bona fide and highly trained law enforcement agencies; and
2. bar or impose limitations upon persons convicted of hate crimes or domestic abuse from obtaining guns; and
3. require that law enforcement be alerted when anyone on the terror watch list attempts to buy a weapon from a licensed dealer; and
4. prohibit anyone on the federal terrorist "no-fly" list from purchasing weapons; and
5. close the "gun show and internet sales loopholes" by requiring every gun purchaser to undergo a background check, and to expand the background check database; and
6. repeal the Dickey Amendment; and

7. repeal the preemption set forth in section 790.33 and allow local government to adopt and implement reasonable rules, regulations and policies to regulate firearms to better protect the public; and

8. prohibit the sale or possession of a long gun to anyone under the age of 21; and

9. pass and sign into law, Florida House Bill 231/Senate Bill 530 which will implement a Red Flag Law authorizing risk protection orders to persons who are at high risk of harming themselves or others from accessing firearms, and terminating a license to carry a concealed firearm; and

10. pass and sign into law Florida Senate Bill 838 which requires that all parties to a sale, lease or transfer of a firearm complete same through a licensed dealer and applies a mandatory 3 day waiting period; and

11. pass and sign in law Florida Senate Bill 196 which prohibits the sale or transfer of an assault weapon or large-capacity magazine, specifies circumstances in which the manufacture or transportation of assault weapons or large-capacity magazines is not prohibited, and provides enhanced penalties; and

12. pass and sign into law House Bill 219 which prohibits sale, transfer, or possession of assault weapons or large-capacity ammunition magazines.

WHEREAS, the City Commission of the City of North Lauderdale not only extends its condolences to the victims and their families of the shooting at Marjory Stoneman Douglas High School in Parkland, Florida, but also, once again, strongly urges our State and Federal legislators, President Donald Trump and Governor Rick Scott to immediately address this issue.

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

Section 1. The City Commission calls upon our elected Federal and State Legislators, President Donald Trump and Governor Rick Scott to enact gun control legislation to prevent mass shootings and large scale human loss of life and suffering from mass shootings in America, and to do so with the sense of urgency and commitment in the face of ongoing tragic and unnecessary loss of life triggered by mass shootings and high powered,

military grade, high capacity magazine assault weapons.

Section 2. The City Commission supports federal legislation that would require a background check for every firearm sale whether the legislation is enacted by passage of the Fix Gun Checks Act in the United States Congress or some other legislation.

Section 3. The City Commission urges the Florida legislature to immediately pass House Bill 231/ Senate Bill 530, popularly described as a “Red Flag Law,” to protect our community from those who are identifiable as a threat to safety and security.

Section 4. The City Commission urges immediate amendment to Florida law to raise the age for legal purchase of guns, including long guns, high capacity magazines, and ammunition to 21 years of age.

Section 5. The City Commission urges immediate passage of legislation that would get military-style weapons and high-capacity magazines away from our community and especially our schools and that would increase the minimum age to purchase and possess a weapon from age 18 to age 21.

Section 6. The City Commission urges the Florida legislature to repeal the preemption provision of 790.33, Florida Statutes.

Section 7. The City Commission urges Florida Governor Rick Scott to take action to pass gun reform, even if it means extending the 2018 legislative session.

Section 8. The City Commission requests that all concerned residents of the City of North Lauderdale, Broward County, the State of Florida and our Country, call, write or e-mail their state and federal elected officials and President Donald Trump to support the enactment of gun control legislation.

Section 9. The City Clerk is directed to cause a copy of this Resolution to be

forwarded to President Donald Trump, Governor Rick Scott, Senator Bill Nelson, Senator Ted Deutch, Representative David Cicilline, City of Parkland, City of Coral Springs, the School Board of Broward County, the National League of Cities, the Broward League of Cities, the Florida League of Cities, the United States Conference of Mayors, the United States Congressional Delegation from Florida and the Broward County Legislative Delegation.

Section 10. All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.


Section 11. If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

Section 12. This Resolution shall become effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED THIS 5 DAY OF MARCH, 2018.


MAYOR JACK BRADY

APPROVED AS TO FORM:


SAMUEL S. GOREN, ESQ.
CITY ATTORNEY

ATTEST:


PATRICIA VANCHERI, CITY CLERK

