

Temp. Reso. No. 6665  
02/20/18  
02/20/18

**CITY OF MIRAMAR  
MIRAMAR, FLORIDA**

**RESOLUTION NO. 18-73**

**CERTIFICATION**

I CERTIFY THIS TO BE A TRUE & CORRECT COPY OF THE ORIGINAL DOCUMENT ON FILE AT CITY HALL.  
WITNES MY HAND AND OFFICIAL SEAL OF THE CITY OF MIRAMAR THIS 14 DAY OF March, 2018  
*Robert A. Little*  
CITY CLERK

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, CALLING ON THE STATE OF FLORIDA, GOVERNOR RICK SCOTT, PRESIDENT DONALD TRUMP, AND THE FEDERAL GOVERNMENT TO REDUCE GUN VIOLENCE IN AMERICA AND HELP PREVENT FUTURE MASS SHOOTINGS BY REQUIRING A BACKGROUND CHECK FOR EVERY FIREARM SALE; SUPPORTING THE PASSAGE OF A RED FLAG LAW; SUPPORTING RAISING THE AGE FOR LEGAL PURCHASE OF FIREARMS, MAGAZINES, AND AMMUNITION TO 21; SUPPORTING THE PASSAGE OF LEGISLATION THAT WOULD KEEP MILITARY-STYLE WEAPONS AND HIGH-CAPACITY MAGAZINES AWAY FROM OUR SCHOOLS; URGING THE FLORIDA LEGISLATURE TO REPEAL THE PUNITIVE PUNISHMENTS OF ELECTED OFFICIALS SET FORTH IN SECTION 790.33, FLORIDA STATUTES; AUTHORIZING THE CITY CLERK TO TRANSMIT THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**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**, on February 14, 2018, Nikolas Cruz shot and killed 17 people, including students, teachers, and coaches, and wounded 14 others at Marjory Stoneman Douglas High School in Parkland, Florida; and

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**WHEREAS**, on November 5, 2017, Devin Patrick shot and killed 26 people and injured 20 others at the First Baptist Church in Sutherland Springs, Texas; and

**WHEREAS**, on October 1, 2017, Stephen Paddock, who had an arsenal of 23 weapons and accessories, shot and killed 58 people and injured more than 500, at the Harvest Music Festival in Las Vegas, Nevada; and

**WHEREAS**, on June 12, 2016, Omar Saddiqui Mateen, using a legally purchased semi-automatic rifle, shot and killed 49 people and injured at least 50 people at the Pulse Nightclub in Orlando, Florida; and

**WHEREAS**, on December 14, 2012, Adam Lanza, using two semi-automatic handguns, shot and killed 27 people, including 20 children at Sandy Hook Elementary School; and

**WHEREAS**, on October 21, 2012, Radcliffe Haughton, using a semi-automatic handgun, shot and killed his estranged wife and 2 others; and though a restraining order had been issued against Haughton – making him a prohibited person under federal law – Haughton was able to avoid a background check by purchasing the gun from a private seller through armslist.com; and

**WHEREAS**, on August 5, 2012, Wade Michael Page, using a semi-automatic handgun, shot and killed 6 people and injured 3 others at a Sikh temple in Oak Creek, Wisconsin; and

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**WHEREAS**, on July 20, 2012, James Holmes, using a semi-automatic rifle and other guns, shot and killed 12 people and injured at least 58 others in a movie theater in Aurora, Colorado, using some of the thousands of rounds of ammunition that he had recently purchased online without a background check; and

**WHEREAS**, on January 8, 2011, Jared Loughner, someone with a reported history of drug abuse and serious mental illness who should have been in the NICS database but was not, killed 6 people in Tucson; and

**WHEREAS**, on April 16, 2007, Seung-Hui Cho shot and killed 32 people at Virginia Tech with guns that were legally purchased because records of his mental health status were missing from the NICS; and

**WHEREAS**, an AR-15-style rifle was used in the mass shootings in Newton, Connecticut; Aurora, Colorado; San Bernardino, California; Las Vegas, Nevada; Sutherland Springs, Texas; and Parkland, Florida; 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**, under federal law, licensed gun dealers are mandated to conduct NICS checks before proceeding with a sale, but this requirement does not apply to so-called private sellers who are present in large numbers at gun shows and sell guns over the internet; and

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**WHEREAS**, more than 12,000 Americans are murdered with guns every year, and too many of these crimes are committed by individuals who are barred from purchasing or possessing guns under federal law; and

**WHEREAS**, other tragedies including the 1999 Columbine High School shooting in Colorado, the 2010 attack on law enforcement at the Pentagon, and the 2012 mass shooting at a Pittsburgh psychiatric clinic were perpetrated by individuals who obtained guns through unregulated private sales, with no paperwork required and no questions asked; and

**WHEREAS**, the Fix Gun Checks Act was introduced in the U.S. Congress, and this legislation would have addressed the two major flaws in the nation's gun background check system by improving compliance with federal record reporting requirements, and by requiring background checks for all U.S. gun sales; and

**WHEREAS**, the City is a strong advocate for common-sense policies that keep guns out of dangerous hands while respecting the rights of law-abiding gun owners, and strongly believes that Congress and state governments should take action to close deadly gaps in the NICS; and

**WHEREAS**, more than 50 national organizations support closing gaps in the gun background check database and requiring a background check for all gun sales, including the U.S. Conference of Mayors, National Urban League, National Association for the

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Advancement of Colored People, the National Coalition Against Domestic Violence, the International Association of Chiefs of Police, the Major Cities Chiefs Association, and the Police Executive Research Forum; and

**WHEREAS**, Red Flag laws, which have been increasingly adopted by states, allow family members and law enforcement to seek an Extreme Risk Protection Order, a court order temporarily restricting a person's access to guns when they pose a danger to self or others; and

**WHEREAS**, currently pending in the Florida Legislature is House Bill 231 and Senate Bill 530 which would implement a Red Flag Law, and had these bills been previously passed and signed into law, there is a high likelihood the Parkland massacre could have been averted and those loved ones saved; and

**WHEREAS**, with some exceptions, federal law prohibits the possession of a handgun or handgun ammunition by any person under the age of 18 but does not set a minimum age for the possession of long guns or long gun ammunition; and

**WHEREAS**, under Florida law, the purchase of a long gun is allowed for a person under 21 years of age; and

**WHEREAS**, in order to restrict such purchase and/or possession of a long gun, high capacity magazines and ammunition, the Florida legislature would need to amend Fla. Stat. §§ 790.17(2), 790.18, 790.22(3), (5), Fla. Stat.; and

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**WHEREAS**, in response to mass shootings resulting in the massacre of students, teachers and others, Maryland, Connecticut, and New York passed similar prohibitions on sales of assault weapons and large capacity magazines, these laws have been upheld as constitutional by Federal courts; and

**WHEREAS**, presently pending in Florida is similar legislation, Senate Bill 196 and House Bill 219 which would prohibit “the sale or transfer of an assault weapon or large-capacity magazine; specifying circumstances in which the manufacture or transportation of assault weapons or large-capacity magazines is not prohibited; providing enhanced criminal penalties for certain offenses when committed with an assault weapon or large-capacity magazine, etc.”; and

**WHEREAS**, following the lead of other states, and having had Federal Courts consistently hold that such restrictions are constitutional, it is time to implement such restrictions; and

**WHEREAS**, in 2011, the Florida Legislature passed, and Governor Scott signed into law, Chapter 2011-109, Laws of Florida, amending Section 790.33, Florida Statutes, to allows a court to assess a fine of up to \$5,000 against an elected or appointed official for a knowing and willful violation; prohibits the use of public funds for defense of a knowing and willful violation; allows the Governor to remove from office, without due process of law, any person acting in an official capacity for a local authority, including an elected official, who passes an ordinance or causes to be enforced a local ordinance,

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administrative rule or regulation impinging on the exclusive authority of Florida legislature to regulate firearms and ammunition in all respects; and awards attorneys' fees to a prevailing plaintiff; and

**WHEREAS**, local governments have a duty to protect their residents, visitors, tourists, and businesses and that such duty should not be infringed upon by State government; and

**WHEREAS**, the City Commission urgently requests the Governor and Legislature of the State of Florida to address this deficit in law by enacting legislation that would allow municipalities the ability to address these public health, safety and welfare items by enacting local legislation without fear of removal from office, in accordance with the unique local characteristics of a community and with due respect to the risk to public; and

**WHEREAS**, the City Commission deems it to be in the best interest of the residents and citizens of the City of Miramar to call on the State of Florida Governor Rick Scott, President Donald Trump, and the Federal Government to reduce gun violence in America and help prevent future shootings by requiring a background check for every firearm sale; to support the passage of a Red Flag Law; to support raising the age for legal purchase of firearms, magazines, and ammunition to 21; and to support the passage of legislation that would keep military style weapons and high-capacity magazines away from our schools.

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**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF  
MIRAMAR, FLORIDA AS FOLLOWS:**

**Section 1:** That the foregoing "**WHEREAS**" clauses are ratified and confirmed as being true and correct and made a specific part of this Resolution.

**Section 2:** That it 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:** That it 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:** That it 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:** That it 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:** That it urges the Florida legislature to repeal the draconian punitive punishments of elected officials set forth in Florida Statutes section 790.33.



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**Section 7:** That it urges Florida Governor Rick Scott to take action to pass gun reform, even if it means extending the 2018 legislative session, to:

- a. Raise the minimum age to allow the purchase of guns and ammunition to 21;
- b. Eliminate the loopholes in the private transfer of weapons and require full background checks for all sales and transfers of firearms;
- c. Repeal the penalties in Section 790.33(3), Florida Statutes;
- d. Enact legislation regarding Red Flag Law to allow Extreme Risk Protection Orders such as those proposed in House Bill 231 and Senate Bill 530;
- e. Enact the Gun Safety legislation set forth in Senate Bill 196 and House Bill 219 to place constitutional restrictions on the sale and transfer of assault-style weapons and high-capacity magazines.

**Section 8:** The City Clerk is hereby directed to distribute this Resolution to President Donald Trump, Governor Rick Scott, the United States Congressional Delegations from Florida, the Broward County Legislative Delegation, and the Broward League of Cities.

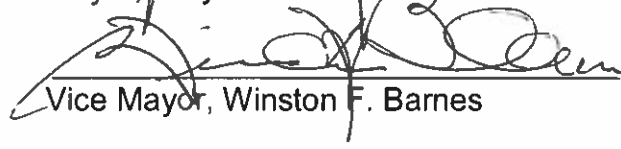
**Section 9:** That the appropriate City officials are authorized to do all things necessary and expedient in order to carry out the aims of this Resolution.

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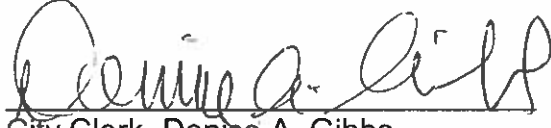
**Section 10:** That this Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED** this 21 day of February, 2018.


  
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Mayor, Wayne M. Messam

  
\_\_\_\_\_  
Vice Mayor, Winston F. Barnes

ATTEST:

  
\_\_\_\_\_  
City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have  
approved this RESOLUTION  
as to form:

 AS  
\_\_\_\_\_  
City Attorney  
Weiss Serota Helfman  
Cole & Bierman, P.L.

<u>Requested by Commissioner Colbourne</u>	<u>Voted</u>
Vice Mayor Winston F. Barnes	<u>Yes</u>
Commissioner Maxwell B. Chambers	<u>Yes</u>
Commissioner Yvette Colbourne	<u>Yes</u>
Commissioner Darline B. Riggs	<u>Yes</u>
Mayor Wayne M. Messam	<u>Yes</u>

**Certificate of Filing for a Resolution**

**CERTIFICATE OF FILING**

I, Denise A. Gibbs, as City Clerk of the City of Miramar, a Florida Municipal Corporation, hereby certify that this fully executed Resolution No. 18-73 was filed in the records of the City Clerk this 1<sup>st</sup> day of March, 2018.

A handwritten signature in black ink, appearing to read "Denise A. Gibbs", written over a horizontal line.

Print Name: Denise A. Gibbs

Print Title: City Clerk