RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, STRONGLY URGING THE FLORIDA LEGISLATURE TO AMEND THE JOE CARLUCCI UNIFORM FIREARMS ACT (FLA STAT. 790.33), BY ALLOWING LOCAL GOVERNMENTS TO CONSIDER THE ENACTMENT OF APPROPRIATE STRICTER FIREARM CONTROL MEASURES TO ENSURE THE SAFETY OF THEIR CITIZENS AT CITY PUBLIC PARKS AND CITY PLAYGROUNDS; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

WHEREAS, on September 7, 2012, three (3) people were shot while attending an optimist league football game at Gibson Park, located in the City of Miami ("City"), after a man walked into the park and began randomly shooting a firearm; and

WHEREAS, prior to the adoption of the Joe Carlucci Uniform Firearms Act ("Carlucci Act"), 790.33 Florida Statutes (1995), by the Florida Legislature in 1987, local governments, including the City, had the authority to enact ordinances related to the regulation of firearms for the purpose of protecting the public health and safety of its citizens; and

WHEREAS, during the 2011 Legislative Session, the Florida Legislature adopted House Bill (HB 45) with the intent of clarifying and reorganizing provisions of the law that preempt to the State of Florida ("State") the entire field of regulations of firearms; and

WHEREAS, HB 45 was signed by Governor Scott on June 2, 2011 and became effective on October 1, 2011 as Chapter 2011-109 Laws of Florida, as Section 790.33 Florida Statutes; and

WHEREAS, the Carlucci Act under Section 790.33(3) Florida Statutes prohibits a knowing and willful violation of certain Florida Legislature regulations related to firearms and ammunition by enactment or causation of enforcement of any local ordinance or administrative rule or regulation; eliminates provisions authorizing counties to adopt ordinances requiring a waiting period between the purchase and delivery of handguns; provides injunctive relief from enforcement of an invalid ordinance, regulation, or rule; provides civil penalty for the knowing and willful violation of prohibitions; provides that public funds may not be used to defend or reimburse unlawful conduct of persons charged with a knowing and willful violation of the act;

provides for termination of employment or contract or removal from office of persons acting in Florida Legislature; and

WHEREAS, all of the ordinances pertaining to the regulation of firearms at City parks and playgrounds were preempted and made null and void by the Carlucci Act; and

WHEREAS, the State regulation of firearms is demonstrably ineffective in providing the protection that the public deserves at City parks and playgrounds; and

WHEREAS, the Mayor and City Council believe that the tragic problem of firearms being allowed on City parks and playgrounds may be ameliorated by allowing local jurisdictions to cooperate with the State in the regulation of firearms in City parks and playgrounds;

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Recitals. The recitals in the whereas clauses are true and correct, and incorporated into this Resolution.

Section 2. Mayor and City Council Support. The Mayor and City Council of the City of North Miami, Florida, strongly urge the Florida Legislature to amend the Joe Carlucci Uniform Firearms Act to (1) provide a minimum standard of state regulation rather than preemption, thereby allowing local governments to consider the enactment of appropriate stricter firearm control measures to ensure the safety of their citizens at City public parks and City playgrounds through the enactment of forceful and effective ordinances designed to curb the alarming escalation of tragic firearm shootings which continue to endanger the public health and safety of their citizens; (2) exempt local governments from preemption under the Carlucci Act; and (3) exempt "Urban Counties", such as Miami-Dade, Broward, Palm Beach and Orange from preemption under the Carlucci Act.

Section 3. Directions to Clerk. The City Clerk is hereby directed and authorized to send a copy of this Resolution to Governor Rick Scott, all State Representatives, State Senators, the presiding Officers and Council members of the municipalities in Miami-Dade County, and to Richard Kuper, Esquire, Executive Director of the Miami-Dade County League of Cities.

Section 4. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this _____ day of November 2012.

_____
ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST:

_____
MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

_____
REGINE M. MONESTIME
CITY ATTORNEY

Moved by: _____

Seconded by: _____

Vote:

Mayor Andre D. Pierre, Esq.	_____ (Yes)	_____ (No)
Vice Mayor Marie Erlande Steril	_____ (Yes)	_____ (No)
Councilperson Michael R. Blynn, Esq.	_____ (Yes)	_____ (No)
Councilperson Scott Galvin	_____ (Yes)	_____ (No)
Councilperson Jean R. Marcellus	_____ (Yes)	_____ (No)