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3 **RESOLUTION NO. 2013-03**
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5 **A RESOLUTION OF THE VILLAGE COMMISSION**
6 **OF THE VILLAGE OF BISCAYNE PARK, FLORIDA,**
7 **STRONGLY URGING THE FLORIDA**
8 **LEGISLATURE TO AMEND THE JOE CARLUCCI**
9 **UNIFORM FIREARMS ACT (FLA. STAT.790.33) AND**
10 **ALLOW LOCAL GOVERNMENTS TO CONSIDER**
11 **THE ENACTMENT OF APPROPRIATE STRICTER**
12 **FIREARM CONTROL MEASURES TO ENSURE THE**
13 **SAFETY OF THEIR CITIZENS AT VILLAGE**
14 **PUBLIC PARKS AND VILLAGE PLAYGROUNDS;**
15 **PROVIDING FOR AN EFFECTIVE DATE**
16
17

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

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

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

28 WHEREAS, the Joe Carlucci Uniform Firearms Act under Section 790.33(3) Florida
29 Statutes prohibits a knowing and willful violation of certain Florida Legislature regulations
30 related to firearms and ammunition by enactment or causation of enforcement of any local
31 ordinance or administrative rule or regulation; eliminates provisions authorizing counties to
32 adopt ordinances requiring a waiting period between the purchase and delivery of handguns;
33 provides injunctive relief from enforcement of an invalid ordinance, regulation, or rule; provides
34 civil penalty for the knowing and willful violation of prohibitions; provides that public funds
35 may not be used to defend or reimburse unlawful conduct of persons charged with a knowing
36 and willful violation of the act; provides for termination of employment or contract or removal
37 from office of persons acting in an official capacity who knowingly and willfully violate any
38 provision of the act; provides for declaratory and injunctive relief for specified persons or
39 organizations; and further provides for specified damages and interest; and

40 WHEREAS, no comparable provision exists in Florida Statutes relating to the
41 possession of firearms in municipal or city parks; and

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

3 WHEREAS, the Village Commission believes that the tragic problem of firearms being
4 allowed on city parks and playgrounds may be ameliorated by allowing local jurisdictions to
5 cooperate with the State in the regulation of firearms in Village parks and playgrounds;
6

7 NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF
8 THE VILLAGE OF BISCAYNE PARK, FLORIDA, that

9 **Section 1.** The forgoing "WHEREAS" clauses are hereby ratified and confirmed
10 as being true and correct and are hereby made a specific part of this Resolution upon adoption.

11 **Section 2.** This Commission strongly urges the Florida Legislature to amend the
12 Joe Carlucci Uniform Firearms Act to (1) provide a minimum standard of state regulation rather
13 than preemption, thereby allowing local governments the opportunity to enact forceful and
14 effective ordinances designed to curb the alarming escalation of tragic firearm shootings at city
15 parks which will continue to endanger the public health and safety of their citizens; (2) exempt
16 local governments from preemption under the Carlucci Act; or (3) exempt "Urban Counties",
17 such as Miami-Dade, Broward, Palm Beach and Orange from preemption under the Carlucci
18 Act.

19 **Section 3.** The Village Clerk is directed to transmit a copy of this Resolution to
20 Governor Rick Scott and members of the Florida Legislature.

21 **Section 4.** This Resolution shall be effective upon adoption.

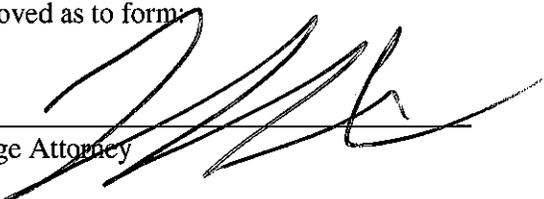
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23 PASSED AND ADOPTED this 2nd day of April, 2013.

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27 _____
28 Noah Jacobs, Mayor
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**The foregoing resolution upon being
put to a vote, the vote was as follows:**

Mayor Jacobs: Yes
Vice Mayor Cooper: Absent
Commissioner Anderson: Yes
Commissioner Ross: No
Commissioner Watts: Yes

32 Attest:
33
34 
35 _____
36 Maria C. Camara, Village Clerk
37

38 Approved as to form:
39
40 
41 _____
42 Village Attorney