

RESOLUTION 20-67

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, DECLARING ITS SUPPORT OF THE RIGHTS AND PROTECTIONS AFFORDED BY THE SECOND AMENDMENT TO THE U.S. CONSTITUTION; AND DIRECTING STAFF TO REVIEW CITY POLICIES FOR CONSISTENCY WITH THE SECOND AMENDMENT.

Whereas, the Second Amendment to the Constitution of the United States of America states, "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed"; and

Whereas, the right of the people to keep and bear arms is further protected from infringement by State and Local Governments under the Ninth, Tenth, and Fourteenth Amendments to the Constitution of the United States of America; and

Whereas, Article 1, Section 8, of the Constitution of the State of Florida states, "The right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state shall not be infringed, except that the manner of bearing arms may be regulated by law"; and

Whereas, the Supreme Court of the United States of America has recognized the individual's right to keep and bear arms, as protected by the Second Amendment of the Constitution of the United States of America. *District of Columbia v. Heller*, 554 U.S. 570 (2008). Justice Antonin Scalia's prevailing opinion in this case stated that the Second Amendment protects an individual's right to possess a firearm unconnected with service in a militia, and the right to use that firearm for traditionally lawful purposes, such as self-defense within the home; and

Whereas, Section 1 of the Fourteenth Amendment to the Constitution of the United States of America states, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, not shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws"; and

Whereas, the Supreme Court of the United States recognized in *McDonald v. City of Chicago* that the Second Amendment to the Constitution was incorporated by the Fourteenth Amendment and thereby made applicable to the States. *McDonald v. City of Chicago*, 561 U.S. 742 (2010).

NOW THEREFORE, the City Council of the City of Panama City Beach, do hereby find and declare that:

1. The right to keep and bear arms is a fundamental individual right that should not be infringed, and the City Council desires to ensure and publicly communicate to state and federal elected officials its concern that state and federal laws not be enacted that dilute or violate the important Second Amendment rights of the citizens of Panama City Beach, Florida. The Council hereby declares by this Resolution its support for the protection of all law-abiding citizens' right to bear arms as protected by the Second Amendment to the United States Constitution.
2. Staff is directed to review City policies to confirm their consistency with the right to bear arms as protected by the Second Amendment to the United States Constitution.

THIS RESOLUTION shall be effective immediately upon passage.

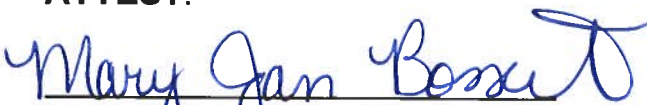
PASSED in regular session this 27th day of February, 2020.

CITY OF PANAMA CITY BEACH

By: 

Mike Thomas, Mayor

ATTEST:


Mary Jan Bossert, City Clerk



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:
COUNCIL/MCCONNELL

2. MEETING DATE:
FEBRUARY 27, 2020

3. REQUESTED MOTION/ACTION:
CONSIDER SECOND AMENDMENT SUPPORT RESOLUTION 20-67

4. AGENDA

PRESENTATION
PUBLIC HEARING
CONSENT
REGULAR

5. IS THIS ITEM BUDGETED (IF APPLICABLE)? YES NO N/A
BUDGET AMENDMENT OR N/A

DETAILED BUDGET AMENDMENT ATTACHED YES NO N/A

6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)
AT ITS JANUARY 23, 2020 MEETING, THE CITY COUNCIL DISCUSSED BAY COUNTY'S SECOND AMENDMENT RESOLUTION AND DIRECTED STAFF TO CONSIDER THE NECESSITY OF ITS OWN SECOND AMENDMENT RESOLUTION. AS SUCH, STAFF HAS UNDERTAKEN TO SURVEY BOTH THE EMPLOYEES AND CITY PERSONNEL POLICIES TO DETERMINE THE DESIRABILITY AND NECESSITY OF CHANGING THOSE POLICIES.

THE PROPOSED RESOLUTION CONFIRMS THE COUNCIL'S DIRECTION TO STAFF, AND ALSO CONFIRMS THE COUNCIL'S SUPPORT OF THE RIGHTS AND PROTECTIONS AFFORDED BY THE SECOND AMENDMENT. THE RESOLUTION DOES NOT PROPOSE ANY AMENDMENTS TO CITY POLICY.

STAFF RECOMMENDS APPROVAL OF THE RESOLUTION AS PRESENTED.