

**CRC RESOLUTION NO. 2018-016**

**A RESOLUTION OF THE BROWARD COUNTY CHARTER REVIEW COMMISSION URGING THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS TO TAKE ANY AND ALL ACTION NECESSARY TO DECLARE SECTION 790.33, F.S., UNCONSTITUTIONAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, it is with a heavy heart that the Broward County Charter Review Commission (the “CRC”) 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 18 were killed along with three (3) teachers, and seventeen (17) other people were wounded; and

**WHEREAS**, Section 790.33, F.S., preempts the CRC’s legal authority to propose any amendments to the Broward County Charter seeking to regulate firearms and ammunition and imposes significant penalties for the enactment or enforcement of such regulations; and

**WHEREAS**, but for the statutory preemption and the draconian penalties associated therewith, the CRC would propose an amendment to the Broward County Charter seeking to ban assault weapons countywide; and

**WHEREAS**, a number of municipalities are considering legal action to challenge the constitutionality of the statutory preemption and penalties set forth in Section 790.33, F.S.; and

**WHEREAS**, the CRC urges the Board of County Commissioners for Broward County to pursue any and all action legally necessary and available to have Section 790.33, F.S., declared to be unconstitutional; and

**WHEREAS,** the CRC finds that Broward County’s pursuit of such a declaration is in the best interests of the citizens and residents of the County.

**NOW, THEREFORE, BE IT RESOLVED BY THE BROWARD COUNTY CHARTER REVIEW COMMISSION, THAT:**

**Section 1.** The foregoing “Whereas” clauses are true and correct and made a part hereon.

**Section 2.** The Broward County Charter Review Commission hereby urges the Board of County Commissioners for Broward County to pursue any and all action legally necessary and available to have Section 790.33, F.S., declared to be unconstitutional.

**Section 3.** All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

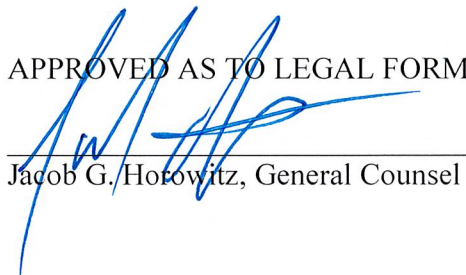
**Section 4.** If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

**Section 5.** This Resolution shall become effective immediately upon its passage and adoption.



\_\_\_\_\_  
Thomas McDonald, Chairperson

APPROVED AS TO LEGAL FORM:

  
\_\_\_\_\_  
Jacob G. Hotowitz, General Counsel

**RECORD OF VOTE  
(CRC 2018-016)**

BUSCH	<u>YES</u>	MCDONALD	<u>YES</u>
DAVIS	<u>YES</u>	MOSELEY	<u>YES</u>
DIPIETRO	___	LETO	<u>YES</u>
FABRICIO	___	NAVARRO	___
FORMAN	___	NORRIS-WEEKS	___
GREENBERG	___	PETTIS	<u>YES</u>
GUERRA	<u>YES</u>	REYES	<u>NO</u>
GUNZBURGER	<u>YES</u>	SMITH	<u>YES</u>
KANE	<u>YES</u>	WELLS	___
MAYLOR	___		

Resolution **CRC 2018-016** passed 10 to 1 on March 16, 2018.

**BROWARD COUNTY CHARTER REVIEW COMMISSION**

Attest:   
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Carlos Verney, Executive Director