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

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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

**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: [Signature]

Mike Thomas, Mayor

**ATTEST:**

[Signature]

Mary Jan Bossert, City Clerk

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CITY OF PANAMA CITY BEACH
AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME: COUNCIL/MCCONNEL

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.