



COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM REQUEST FORM

The Board of County Commissioners meets the 1st and 3rd Thursday of each month at 5:30 p.m. in the Columbia County School Board Administrative Complex Auditorium, 372 West Duval Street, Lake City, Florida 32055. All agenda items are due in the Board's office one week prior to the meeting date.

Today's Date: January 30, 2020

Meeting Date: February 6, 2020

Name: Bucky Nash

Department: Commissioner District 3

Division Manager's Signature: _____

A handwritten signature in blue ink, appearing to read "Bucky Nash", written over a horizontal line.

1. Nature and purpose of agenda item:

Resolution 2020R-2 – Declaring Columbia County, Florida a Second Amendment Sanctuary County

2. Recommended Motion/Action:

To approve Resolution 2020R-2 and declare Columbia County, Florida a Second Amendment Sanctuary County

3. Fiscal impact on current budget.

This item has no effect on the current budget.

MEMORANDUM

To: Board Agenda, February 6, 2020

From: Joel F. Foreman

Re: Resolution 2020R-2 – Declaring Columbia County, Florida a Second Amendment Sanctuary County

Date: January 30, 2020

As requested by Commissioner Nash, attached is Resolution 2020R-2 which will, if adopted, serve as the Board's collective declaration that Columbia County, Florida, is a Second Amendment Sanctuary County.

The resolution borrows heavily from a similar resolution adopted by Suwannee County. The cases have been reviewed and the propositions for which they are cited are correct.

Recommended motion:

To approve Resolution 2020R-2 and declare Columbia County, Florida a Second Amendment Sanctuary County

**COLUMBIA COUNTY, FLORIDA
RESOLUTION NO. 2020R-2**

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS FOR COLUMBIA COUNTY, FLORIDA,
DECLARING COLUMBIA COUNTY, FLORIDA, A SECOND
AMENDMENT SANCTUARY COUNTY**

WHEREAS, the Constitution of the United States ("Constitution") is the supreme law of our nation, and any act of any legislature which is "repugnant to the constitution cannot become a law," *Marbury v. Madison*, 5 U.S. 137, 138 (1803);

WHEREAS, the Second Amendment to our Constitution provides that "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" *U.S. Const. amend. II*;

WHEREAS, "where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them," *Miranda v. Arizona*, 384 U.S. 436 (1966);

WHEREAS, the Supreme Court of the United States has held that the Second Amendment protects an individual's right to possess a firearm unconnected with service in a militia, and to use arms for traditionally lawful purposes, such as self-defense within the home, *D.C. v. Heller*, 554 U.S. 570 (2008);

WHEREAS, firearms that are part of ordinary military equipment with use that could contribute to the common defense are protected by the Second Amendment, *United States v. Miller*, 307 U.S. 174 (1939);

WHEREAS, the Fourteenth Amendment to the Constitution states, "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor 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" *U.S. Const. amend. XIV*;

WHEREAS, a person's Second Amendment right to "keep and bear arms" is secured against infringement by the State by the "due process" and "privileges and immunities" clauses of the Fourteenth Amendment, as are closely related Second Amendment rights such as the right to manufacture, transfer, purchase, and sell firearms, accessories, and ammunition, *McDonald v. City of Chicago*, 561 U.S. 742 (2010);

WHEREAS, the Tenth Amendment to the Constitution states, "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the People" *U.S. Const. amend. X*;

WHEREAS, the Federal government cannot compel law enforcement officers of the States or the political subdivisions thereof to enforce federal laws as doing so would increase the power of the Federal government far beyond the limits imposed by the Constitution, *Printz v. United States*, 521 U.S. 898 (1997);

WHEREAS, Article I, Section 8(a), of the Florida Constitution states that, "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;"

WHEREAS, a defining trait of American Federalism under the Constitution is that the Federal government has no authority to enforce state laws and States can likewise not be compelled to enforce Federal laws that conflict with the Constitution; and

WHEREAS, the last protectors of the U.S. Constitution are the County Sheriffs and "we the people of the United States of America" and our ability to fulfill that role successfully rests on the preservation our Second Amendment rights.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA, AS FOLLOWS:

Section 1.

The above recitals are true and correct and incorporated in this Resolution.

Section 2.

The Columbia County Board of County Commissioners hereby declares Columbia County, Florida as a Second Amendment Sanctuary in order to preserve for the People of, on, and in Columbia County, their rights guaranteed by the Constitutions of the United States of America and the State of Florida.

Section 3.

This Resolution shall become effective upon adoption.

Adopted this 6th day of February 2020.

**BOARD OF COUNTY COMMISSIONERS
COLUMBIA COUNTY, FLORIDA**

Approval as to
form and correctness:



Joel F. Foreman, County Attorney

By: _____
Toby Witt, Chairman

ATTEST: _____
P. DeWitt Cason, Clerk of Courts