

RESOLUTION NO. 2020-25

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA, DECLARING ST. JOHNS
COUNTY A SECOND AMENDMENT SANCTUARY.**

WHEREAS, the Constitution of the United States is the supreme law of our nation; and

WHEREAS, the Second Amendment to the Constitution 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 U.S. Supreme Court in the *District of Columbia v. Heller*, 554 U.S. 570 (2008), affirmed that the Second Amendment right to keep and bear arms is not connected with service in a militia and affirmed that self-defense is a basic right recognized by many legal systems from ancient times to the present, is deeply rooted in this Nation’s history and tradition, and is the central component of the Second Amendment right; and

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;” and

WHEREAS, the U.S. Supreme Court in *McDonald v. City of Chicago*, 561 U.S. 742 (2010), affirmed that a person’s Second Amendment right to “keep and bear arms” is further secured by the “due process” clause of the Fourteenth Amendment and applicable to the States and is fundamental to our scheme of ordered liberty; and

WHEREAS, the separation of the two spheres of federal and state government is one of the Federal Constitution’s structural protections of liberty and a healthy balance of power between the states and the Federal Government will reduce the risk of tyranny and abuse from either front; and

WHEREAS, under a system of dual sovereignty of the U.S. Constitution, the Federal government cannot be compelled to implement state laws and States cannot be compelled to implement Federal laws; and

WHEREAS, the U.S. Supreme Court held in *Printz v. United States*, 521 U.S. 898 (1997), that the Federal government may not compel the states to implement, by legislation or executive action, federal regulatory programs nor command the state’s officers, or those of their political subdivisions, to administer or enforce a federal regulatory program; and

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;” and

WHEREAS, Article I, Section 8, 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;” 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 our Second Amendment rights; and

WHEREAS, the U.S. Supreme Court found in *Miranda v. Arizona*, 384 U.S. 436 (1966), that, “where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them;” and

WHEREAS, the Board of County Commissioners enacted Ordinance 2011-33, repealing any County ordinance, resolution, rule or policy in the field of regulation of firearms, ammunition, and components thereof in conflict with Chapter 790, Florida Statutes; and

WHEREAS, the Board declares this Resolution in support of the rights guaranteed by the Constitution of the United States of America.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida, as follows:

Section 1. The above recitals are true and correct and incorporated in this Resolution.

Section 2. The St. Johns County Board of County Commissioners hereby declares St. Johns County as a Second Amendment Sanctuary in order to preserve for the People of, on, and in St. Johns County, their rights guaranteed by the Constitution of the United States of America.

Section 3 We the People of St. Johns County, Florida, through this resolution hereby declare our rights, our freedom and our liberty as guaranteed by the Constitution of the United States of America.

Section 4. This Resolution shall become effective upon adoption.

4 **Duly Adopted** by the Board of County Commissioners of St. Johns County, Florida this day of February, 2020.

BOARD OF COUNTY COMMISSIONERS
ST JOHNS COUNTY, FLORIDA

Attest: Brandon Patty, Clerk of Court

By: Pam Halterman
Deputy Clerk

By: Jeb S. Smith
Jeb. S. Smith, Its Chairman

RENDITION DATE 2/6/20

