

RESOLUTION 2019-R-459

A RESOLUTION OF THE MARION COUNTY BOARD OF COUNTY COMMISSIONERS DECLARING MARION 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 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 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 in any way to service in a militia; and

WHEREAS, the U.S. Supreme Court in *United States v. Miller*, 307 U.S. 174 (1939), stated that firearms that are part of ordinary military equipment with use that could contribute to the common defense are protected by the Second Amendment; 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” and the “privileges and immunities” clauses of the Fourteenth Amendment. This decision also protects rights closely related to the Second Amendment, namely the right to manufacture, transfer, purchase, and sell firearms, accessories, and ammunition; 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, the U.S. Supreme Court found in *Printz v. United States*, 521 U.S. 898 (1997), that the Federal government cannot compel law enforcement officers of the States to enforce federal laws as it would increase the power of the Federal government far beyond that which the Constitution intended; 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, due to dual sovereignty of the U.S. Constitution, the Federal government has no authority to enforce state laws and States cannot be compelled to enforce Federal laws; 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.

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

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

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


Section 3 We the People of Marion 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. A copy of this Resolution shall be spread upon the Minutes of this meeting.

Section 5. This Resolution shall become effective upon adoption.

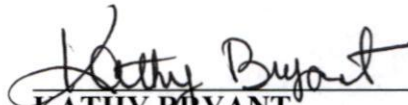
NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Marion County, Florida in regular session this 19th day of Nov, 2019.

ATTEST:



DAVID ELLSPERMANN,
CLERK OF THE COURT

**BOARD OF COUNTY COMMISSIONERS
OF MARION COUNTY, FLORIDA**



KATHY BRYANT,
CHAIRMAN

APPROVED AS TO FORM & LEGAL SUFFICIENCY



MATTHEW G. MINTER, County Attorney