



MIAMI-DADE COUNTY

Florida mayors can be fined \$5,000 if they enact stricter local rules on gun control

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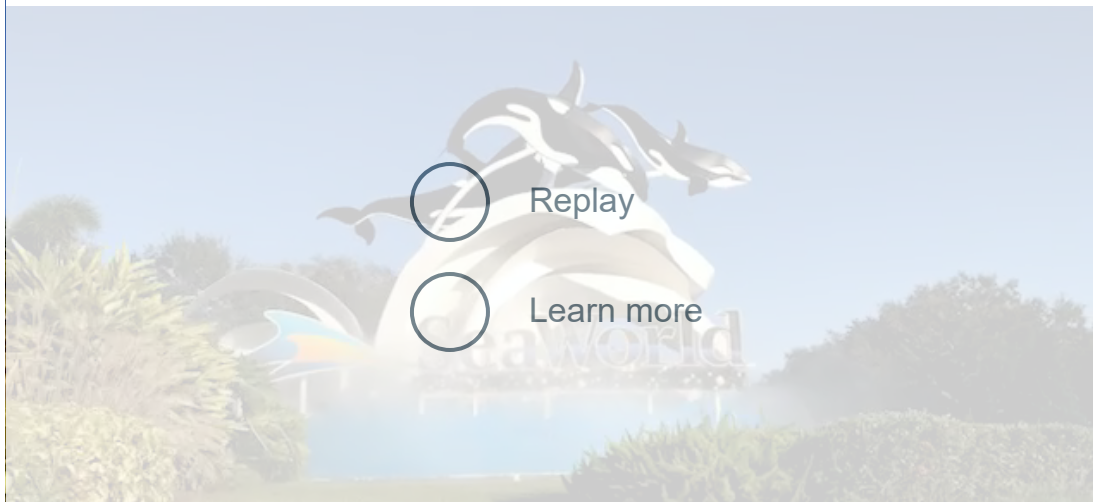
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South Miami Mayor Philip Stoddard may be one of the most liberal mayors in Florida, so he would be a natural candidate to push through a package of local gun-control rules in the wake of the Parkland massacre 50 miles away. But that would be against the law.

Florida bans cities and counties from imposing their own gun-control rules. Seven years ago, the Republican-controlled Legislature even created a \$5,000 fine it can impose on mayors like Stoddard if they ever try to enforce stricter regulations on firearms.

“I think it’s outrageous,” said Stoddard, a Democrat recently reelected to a fifth term after championing mandatory solar panels within South Miami and requiring organic fertilizer for city properties. “Why should the cities be prohibited from protecting their citizens?”

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Tallahassee lawmakers have created a long list of regulations and laws they’ve ordered off-limits for cities and counties — from accident clean-ups to Uber. But only gun control carries a package of sanctions that put local officials in personal financial jeopardy. Critics say it also makes Florida the toughest state in the nation when it comes to policing city and county rules on firearms.

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Mourners stand near a cross at Marjory Stoneman Douglas High School in the wake of a shooting massacre that left 17 people dead. The mass shooting, like others before it, unleashed a local and national debate on gun control.

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The extraordinary sanctions capture the special level of tension between Tallahassee and some local governments when it comes to gun control. Florida has banned local gun rules since the 1980s, but advocates added fines and other penalties after city and county governments kept trying to get ahead of Tallahassee on firearm restrictions, said Sean Caranna, volunteer director of Florida Carry, a nonprofit that advocates for the rights of gun owners.

“A number of cities and local counties decided they were going to break the law. They made the conscious decision to say: ‘We don’t care what the law is. We’re going to break it,’ ” he said. “We put teeth into the law.”

Along with the \$5,000 fine, enacting local gun-control rules can end careers. The 2011 law allows Florida’s governor to remove an elected official for violating the ban on most local firearms rules. Ignoring the state statute also “shall be cause for termination of employment” for city and county administrators who enforce local firearms rule that contradict Florida statutes.

The state law also raises the possibility of unending legal expenses for mayors and city administrators. It bars cities and counties from spending tax dollars defending employees and elected representatives in the litigation.

“We can’t do a damn thing at the city or county level, or we will be punished,” said Sally Heyman, a former state lawmaker now one of six Democrats on the 13-member County Commission in Miami-Dade. “I’ve been there with the deaf ears in Tallahassee.”



David Hogg, a student from Marjory Stoneman Douglas High School, speaks in support of gun control measures during a Fort Lauderdale rally on Saturday, Feb. 17, 2018.

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The 2011 law's passage essentially ended rules in South Florida banning guns in city and county parks. When Gov. Rick Scott signed the bill into law in June that year, he said he would give local governments 90 days to repeal their local gun rules. Miami initially resisted, but the City

Commission voted that November to “repeal the prohibition of possessing firearms in parks” after Florida Carry promised to sue. In Miami Gardens, the city removed its “No Guns” signs from local parks but refused to change any laws.

“We understand if we in any way enforce it, they could fine us and legally remove us from office,” said Mayor Oliver Gilbert, a City Council member at the time. “But we wouldn’t take the law off our books.”

A lawyer for the Florida League of Cities said he couldn’t recall a local official actually being slapped with a \$5,000 fine under the 2011 law, and a state court recently sided with the city of Tallahassee in ruling municipalities didn’t have to repeal local gun laws no longer being enforced.

While the 2011 law forced some action, gun-rights groups were winning legal fights against local rules well before state lawmakers added sanctions to the equation. The National Rifle Association sued South Miami in 2001 over its municipal law requiring locking devices for guns stored within city limits, and a state court struck down the local ordinance, citing Florida’s 1987 ban on firearm regulations at the city level.

Miami-Dade does take advantage of a provision in Florida’s Constitution allowing for tougher local rules: It imposes a five-day waiting period on firearm purchases, while the state requires only a 72-hour wait. The longer delay stemmed from a 1998 referendum approved by Florida voters. Wait times don’t apply to people in Florida licensed to carry a concealed firearm.

Lawmakers who backed the 2011 penalties argued Florida should have uniform firearm regulations across the state. They also pointed to the importance of law-abiding Floridians being able to protect themselves with a gun, no matter where they happened to live.

“If in their pursuit of happiness, someone attempts to infringe upon that, they should be afforded the right to protect themselves,” said Brad Drake, a Republican from Marianna who was a co-sponsor of the bill. “That decision has to be made somewhere.”

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