

R E S O L U T I O N
NUMBER 2021-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
CHARLOTTE COUNTY, FLORIDA DECLARING CHARLOTTE COUNTY A
SECOND AMENDMENT SANCTUARY.

RECITALS

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

WHEREAS, the Second Amendment to the U.S. 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 an individual right that does not require service in a militia; 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 and binding on the states by the due process clause of the Fourteenth Amendment;

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 enact or administer Federal regulations as it would disrupt the principle of “dual

sovereignty” by increasing the power of the Federal government beyond that which is allowable or permissible; 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 Tenth Amendment to the U.S. 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 last protectors of the U.S. Constitution are the County Sheriffs and 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 Charlotte County, Florida as follows:

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

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

Section 3. We the People of Charlotte 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. The Resolution shall become effective upon adoption.

[SIGNATURE PAGE FOLLOWS]

PASSED AND DULY ADOPTED this 11th day of May, 2021.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____
William G. Truex, Chairman

ATTEST:
Roger D. Eaton, Clerk of the Circuit
Court and Ex-officio Clerk of the
Board of County Commissioners

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: _____
Janette S. Knowlton, County Attorney
LR21-0381 / CA