

1 and Senate Bill 492, which would have amended Florida Statutes to
2 permit a local government to exercise its Home Rule Authority to
3 regulate firearms and ammunition upon local government-owned
4 property; and

5
6 **WHEREAS**, requests by the City of Weston to the Florida
7 legislature to enact legislation relating to firearms in City facilities and
8 parks, or to allow the City to do so, have been unsuccessful; and

9
10 **WHEREAS**, in Section 790.33, Florida Statutes, the State of
11 Florida (a) declared that it is occupying the whole field of regulation of
12 firearms and ammunition, to the exclusion of all existing and future
13 county or city ordinances, regulations or rules, (b) prohibit the
14 enactment of any future ordinances or regulations “relating to firearms,”
15 and (c) creates potential liability for monetary damages and removal
16 from office for actions that violate s. 790.33; and

17
18 **WHEREAS**, Section 790.33’s use of the terms “relating to
19 firearms” and “any measure, directive, rule, enactment, order or policy
20 promulgated,” is extremely broad and vague, and could apply to a
21 panoply of measures that the Village would like to consider enacting,
22 including the restricting of guns in Village facilities and parks, the
23 placing of signs relating to guns in Village facilities and parks, the
24 regulation of gun accessories (such as holsters or bump stocks) or the
25 creating of “gun free zones” or “gun safe zones”; and

26
27 **WHEREAS**, the potential violation of the broad and vague
28 preemption of firearm regulation in Section 790.33, Florida Statutes,
29 carries the risk of onerous and punitive consequences, including but not
30 limited to damages up to \$100,000, assessment of attorney fees and
31 court costs, fines up to \$5,000 (for which the official may be personally
32 liable), removal from office by the Governor without due process of law,
33 and a prohibition of the use of public funds to pay or reimburse the
34 official for fines, damages or defense costs (collectively, the “Onerous
35 Preemption Penalties”); and

36
37 **WHEREAS**, the Village Council and its members fear taking any
38 steps that could even remotely be viewed as a violation of the
39 preemption due to the Onerous Preemption Penalties which creates a
40 chilling effect upon Village action and it prevents the Village Council

1 from doing its duty to provide for the safety and welfare of its citizens by
2 protecting them against the dangers of firearms; and

3
4 **WHEREAS**, the Village Council and its members desire to
5 consider various reasonable measures related to firearms, including the
6 restriction of guns in Village facilities and parks, the placing of signs
7 related to guns in Village facilities and parks, the regulation of gun
8 accessories (such as holsters or bump stocks), the creation of “gun free
9 zones” or “gun safe zones,” or other measures related to guns, but
10 have refrained from doing so because they could possibly be viewed as
11 violating s. 790.33 and be subjected to the Onerous Preemption
12 Penalties; and

13
14 **WHEREAS**, the Onerous Preemption Penalties strike at the core
15 of the American system of democratic representation; they suppress
16 the voice of the local electorate through intimidation of local elected
17 officials; and

18
19 **WHEREAS**, the Onerous Preemption Penalties infringe on the
20 free speech rights of the Village Council and its members, and interfere
21 with their ability to perform their official duties; and

22
23 **WHEREAS**, the Onerous Preemption Penalties infringe upon the
24 legislative immunity that the members of the Village Council enjoy
25 under law when casting votes in their official capacities; and

26
27 **WHEREAS**, s. 790.33 conflicts with Article 4, Section 7 of the
28 Florida Constitution, by allowing the Governor to remove a municipal
29 official who has not been indicted for any crime, and violates due
30 process; and

31
32 **WHEREAS**, the Village Council believes it is in the best interest
33 of the residents of the Village to file a lawsuit seeking a declaration that
34 the Onerous Preemption Penalties are invalid.

35 **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE**
36 **OF PALMETTO BAY, FLORIDA, THAT:**

37
38 **Section 1.** The foregoing recitals contained in the preamble to
39 this Resolution are incorporated by reference herein.

1 **Section 2.** The Village Attorney is hereby authorized and
2 instructed to engage with the City of Weston in its lawsuit seeking
3 declaratory and other appropriate relief to challenge the Onerous
4 Preemption Penalties contained in Section 790.33, Florida Statutes,
5 based upon any appropriate legal theories, including those set forth
6 above.

7
8 **Section 3.** The Village of Palmetto Bay finds this matter to be
9 time sensitive; therefore the Village Attorney shall proceed with action
10 immediately.

11
12 **Section 4.** The Village of Palmetto Bay invites and urges other
13 local government and elected officials to join the Village as plaintiffs in
14 the lawsuit and to coordinate their efforts with the City of Weston.

15
16 **Section 5.** The Village Clerk is directed to distribute this
17 Resolution to all local governments in Miami-Dade County.

18
19 **Section 6.** The appropriate Village officials are authorized to
20 execute all necessary documents and to take any necessary action to
21 effectuate the intent of this Resolution.

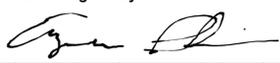
22
23 **Section 7. Severability.** If any section clause, sentence, or
24 phrase of this resolution is for any reason held invalid or
25 unconstitutional by a court of competent jurisdiction, the holding shall
26 not affect the validity of the remaining portions of this resolution.

27
28 **Section 8. Effective Date.** This resolution shall become
29 effective immediately upon adoption.

30
31 **PASSED and ADOPTED** this 7th day of May, 2018.

32
33 Attest:

34
35
36 DocuSigned by:
37 *Missy Arocha*
38 _____
39 Missy Arocha
40 Village Clerk

36 DocuSigned by:
37 
38 _____
39 Eugene Flinn
40 Mayor

1 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE**
2 **USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,**
3 **FLORIDA ONLY:**

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

DocuSigned by:
Dexter W. Lehtinen

1B1D06E71321445...
Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham YES

Council Member David Singer YES

Council Member Larissa Siegel Lara YES

Vice-Mayor John DuBois YES

Mayor Eugene Flinn YES



To: Honorable Mayor and Village Council

Date: April 2, 2018

From: Honorable Mayor Eugene Flinn

Re: Regulation of Firearms and
Ammunition

PURPOSE OF THE PROPOSED ACTION:

The purpose of the proposed action is to seek Council approval to add a Resolution to the Regular Council Meeting of April 2, 2018 on an issue deemed to be extremely time sensitive.

MAJOR POINTS/REASONS FOR THE PROPOSED ACTION:

A copy of the proposed Resolution is attached herein that delineates all the major points and reasons for the proposed action. I urge the Council to move the item forward as the Village of Palmetto Bay finds this matter to be time sensitive and the Village Attorney shall begin to proceed with the action immediately if approved by the Village Council.

PRELIMINARY ESTIMATE OF THE COST OF IMPLEMENTATION:

To be determined.

SOURCE OF FUNDS TO PAY SUCH COSTS:

To be determined.

RESOLUTION NO. 035-18-15067

A Resolution of the Mayor and City Commission of the City of South Miami, Florida. authorizing and directing the City Attorney to join the lawsuit filed by the City of Weston seeking a declaration that the provisions punishing elected officials set forth in section 790.33, Florida Statutes, for violating the preemption related to the regulation of firearms and ammunition are invalid.

WHEREAS, over the past several years there have been an unprecedented number of mass shootings in American communities including, most recently, at Marjory Stoneman Douglas High School in Parkland, Florida; and

WHEREAS, national and state leaders continue to fail to act to implement sensible gun law reforms that are supported by a majority of the nation; and

WHEREAS, on January 22, 2013, the City Commission for the City of Weston adopted Resolution No. 201303, urging the Florida Legislature to repeal certain sections of Florida Statutes that prevent local governments from exercising their Home Rule Authority to regulate and/or prohibit firearms in public parks and other local government-owned facilities and property; and

WHEREAS, on April 7, 2014, the City Commission for the City of Weston adopted Resolution No. 2014-34, supporting House Bill 305 and Senate Bill 492, which would have amended Florida Statutes to permit a local government to exercise its Home Rule Authority to regulate firearms and ammunition upon local government-owned property; and

WHEREAS, requests by the City of Weston to the Florida legislature to enact legislation relating to firearms in City facilities and parks, or to allow the City to do so, have been unsuccessful; and

WHEREAS, in Section 790.33, Florida Statutes, the State of Florida (a) declared that it is occupying the whole field of regulation of firearms and ammunition, to the exclusion of all existing and future county or city ordinances, regulations or rules, (b) prohibit the enactment of any future ordinances or regulations "relating to firearms," and (c) creates potential liability for monetary damages and removal from office for actions that violate s. 790.33; and

WHEREAS, Section 790.33's use of the terms "relating to firearms" and "any measure, directive, rule, enactment, order or policy promulgated," is extremely broad and vague, and could apply to a panoply of measures that the City would like to consider enacting, including the restricting of guns in City facilities and parks, the placing of signs relating to guns in City facilities and parks, the regulation of gun accessories (such as holsters or bump stocks) or the creating of "gun free zones" or "gun safe zones"; and

WHEREAS, the potential violation of the broad and vague preemption of firearm regulation in Section 790.33, Florida Statutes, carries the risk of onerous and punitive consequences, including but not limited to damages up to \$100,000, assessment of attorney fees

and court costs, fines up to \$5,000 (for which the official may be personally liable), removal from office by the Governor without due process of law, and a prohibition of the use of public funds to pay or reimburse the official for fines, damages or defense costs (collectively, the "Onerous Preemption Penalties"); and

WHEREAS, the City Commission and its members fear taking any steps that could even remotely be viewed as a violation of the preemption due to the Onerous Preemption Penalties which creates a chilling effect upon City action and it prevents the City Commission from doing its duty to provide for the safety and welfare of its citizens by protecting them against the dangers of firearms; and

WHEREAS, the City Commission and its members desire to consider various reasonable measures related to firearms, including the restriction of guns in City facilities and parks, the placing of signs related to guns in City facilities and parks, the regulation of gun accessories (such as holsters or bump stocks), the creation of "gun free zones" or "gun safe zones," or other measures related to guns, but have refrained from doing so because they could possibly be viewed as violating s. 790.33 and be subjected to the Onerous Preemption Penalties; and

WHEREAS, the Onerous Preemption Penalties strike at the core of the American system of democratic representation; they suppress the voice of the local electorate through intimidation of local elected officials; and

WHEREAS, the Onerous Preemption Penalties infringe on the free speech rights of the City Commission and its members, and interfere with their ability to perform their official duties; and

WHEREAS, the Onerous Preemption Penalties infringe upon the legislative immunity that the members of the City Commission enjoy under law when casting votes in their official capacities; and

-WHEREAS, s. 790.33 conflicts with Article 4, Section 7 of the Florida Constitution, by allowing the Governor to remove a municipal official who has not been indicted for any crime, and violates due process; and

WHEREAS, the City Commission believes it is in the best interest of the residents of the City to file a lawsuit seeking a declaration that the Onerous Preemption Penalties are invalid.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF SOUTH MIAMI, FLORIDA:

Section 1: The foregoing recitals contained in the preamble to this Resolution are incorporated by reference herein.

Section 2: The City Attorney is hereby authorized and instructed to engage with the City of Weston in its lawsuit seeking declaratory and other appropriate relief to challenge the Onerous

Preemption Penalties contained in Section 790.33, Florida Statutes, based upon any appropriate legal theories, including those set forth above.

Section 3: The City Commission invites and urges other local governments and elected officials to join the City as plaintiffs in the lawsuit and to coordinate their efforts with the City of Weston.

Section 4: The City Clerk is directed to distribute this Resolution to all local governments in Miami-Dade County.

Section 5: The appropriate City officials are authorized to execute all necessary documents and to take any necessary action to effectuate the intent of this Resolution.

Section 6: Severability. If any section clause, sentence, or phrase of this resolution is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this resolution.

Section 7: Effective Date. This resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this 6th day of March, 2018.

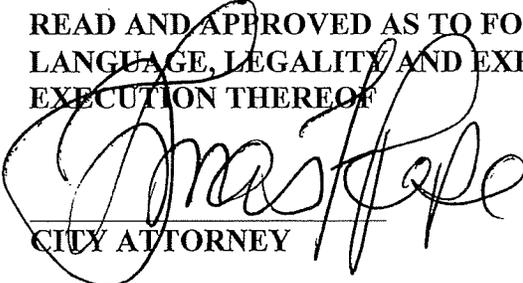
ATTEST:


CITY CLERK

APPROVED:


MAYOR

READ AND APPROVED AS TO FORM,
LANGUAGE, LEGALITY AND EXECUTION
EXECUTION THEREOF


CITY ATTORNEY

COMMISSION VOTE:	5-0
Mayor Stoddard:	Yea
Vice Mayor Harris:	Yea
Commissioner Welsh:	Yea
Commissioner Liebman:	Yea
Commissioner Gil:	Yea

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

CITY OF WESTON, FLORIDA
RESOLUTION NO. 2018-30

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WESTON, FLORIDA, AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO FILE A LAWSUIT SEEKING A DECLARATION THAT THE PROVISIONS PUNISHING ELECTED OFFICIALS SET FORTH IN SECTION 790.33, FLORIDA STATUTES, FOR VIOLATING THE PREEMPTION RELATED TO THE REGULATION OF FIREARMS AND AMMUNITION ARE INVALID, AND INVITING OTHER LOCAL GOVERNMENTS TO JOIN THE LAWSUIT.

WHEREAS, First, over the past several years there have been an unprecedented number of mass shootings in American communities including, most recently, at Marjory Stoneman Douglas High School in Parkland, Florida; and

WHEREAS, Second, National and State leaders continue to fail to act to implement sensible gun law reforms that are supported by a majority of the nation; and

WHEREAS, Third, the residents of Weston have repeatedly petitioned that the City Commission take action regarding gun violence, including requests that the City ban, restrict or take other steps that would reduce the threat from firearms in City facilities and parks; and

WHEREAS, Fifth, on January 22, 2013, the City Commission adopted Resolution No. 2013-03, urging the Florida Legislature to repeal certain sections of Florida Statutes that prevent local governments from exercising their Home Rule Authority to regulate and/or prohibit firearms in public parks and other local government-owned facilities and property; and

WHEREAS, Sixth, on April 7, 2014, the City Commission adopted Resolution No. 2014-34, supporting House Bill 305 and Senate Bill 492, which would have amended Florida Statutes to permit a local government to exercise its Home Rule Authority to regulate firearms and ammunition upon local government-owned property; and

WHEREAS, Seventh, the City's requests to the State Legislature to enact legislation relating to firearms in City facilities and parks, or to allow the City to do so, have been unsuccessful; and

WHEREAS, Eighth, in Section 790.33, Florida Statutes, the State of Florida (a) declared that it is occupying the whole field of regulation of firearms and ammunition, to the exclusion of all existing and future county or city ordinances, regulations or rules, (b) purports to prohibit the enactment of any future ordinances or regulations "relating to firearms," and (c) also purports to create potential liability for damages for actions other than ordinances and regulations, including any "measure, directive, rule, enactment, order, or policy promulgated or caused to be enforced"; and

WHEREAS, Ninth, the purported preemption, by using the terms "relating to firearms" and "any measure, directive, rule, enactment, order or policy promulgated," is extremely broad and vague, and could apply to a panoply of measures that the City would like to consider enacting,

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WESTON, FLORIDA, AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO FILE A LAWSUIT SEEKING A DECLARATION THAT THE PROVISIONS PUNISHING ELECTED OFFICIALS SET FORTH IN SECTION 790.33, FLORIDA STATUTES, FOR VIOLATING THE PREEMPTION RELATED TO THE REGULATION OF FIREARMS AND AMMUNITION ARE INVALID, AND INVITING OTHER LOCAL GOVERNMENTS TO JOIN THE LAWSUIT.

1 including the restricting of guns in City facilities and parks, the placing of signs relating to guns in
2 City facilities and parks, the regulation of gun accessories (such as holsters or bump stocks) or the
3 creating of "gun free zones" or "gun safe zones"; and
4

5 WHEREAS, Tenth, the potential violation of the broad and vague preemption of firearm
6 regulation in Section 790.33, Florida Statutes, carries the risk of onerous and punitive consequences,
7 including but not limited to damages up to \$100,000 and fines up to \$5,000 (for which the official
8 may be personally liable), removal from office by the Governor without due process of law, and a
9 prohibition of the use of public funds to pay or reimburse the official for fines, damages or defense
10 costs (collectively, the "Onerous Preemption Penalties"); and
11

12 WHEREAS, Eleventh, as a result of the Onerous Preemption Penalties, the City Commission
13 and its members fear taking any steps that could even remotely be viewed as a violation of the
14 preemption, creating a chilling effect upon City action and preventing the City Commission from
15 responding to the petitions and requests of the City's residents to do something to protect against the
16 dangers of firearms; and
17

18 WHEREAS, Twelfth, the City Commission and its members desire to consider various
19 reasonable measures related to firearms, including the restriction of guns in City facilities and parks,
20 the placing of signs related to guns in City facilities and parks, the regulation of gun accessories (such
21 as holsters or bump stocks), the creation of "gun free zones" or "gun safe zones," or other measures
22 related to guns, but have refrained from doing so because they could possibly be viewed as falling
23 under the preemption and be subjected to the Onerous Preemption Penalties; and
24

25 WHEREAS, Thirteenth, the Onerous Preemption Penalties strike at the core of the American
26 system of democratic representation: they suppress, in an insidious, Orwellian fashion, the voice of
27 the local electorate through intimidation of local elected officials; and
28

29 WHEREAS, Fourteenth, the Onerous Preemption Penalties infringe on the free speech rights
30 of the City Commission and its members, and interfere with their ability to perform their official
31 duties; and
32

33 WHEREAS, Fifteenth, the Onerous Preemption Penalties infringe upon the legislative
34 immunity the members of the City Commission enjoy under law when casting votes in their official
35 capacities; and
36

37 WHEREAS, Sixteenth, the portion of the Onerous Preemption Penalties related to the removal
38 from office by the Governor conflicts with Article 4, Section 7 of the Florida Constitution, by allowing
39 the Governor to remove a municipal official who has not been indicted for any crime, and violates
40 due process; and
41

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WESTON, FLORIDA, AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO FILE A LAWSUIT SEEKING A DECLARATION THAT THE PROVISIONS PUNISHING ELECTED OFFICIALS SET FORTH IN SECTION 790.33, FLORIDA STATUTES, FOR VIOLATING THE PREEMPTION RELATED TO THE REGULATION OF FIREARMS AND AMMUNITION ARE INVALID, AND INVITING OTHER LOCAL GOVERNMENTS TO JOIN THE LAWSUIT.

1 WHEREAS, Seventeenth, the City Commission believes it is in the best interest of the residents
2 of the City to file a lawsuit seeking a declaration that the Onerous Preemption Penalties are invalid
3 and urging other local governments to join the lawsuit as plaintiffs with the City.
4

5 NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Weston, Florida:
6

7 Section 1: The foregoing recitals contained in the preamble to this Resolution are incorporated by
8 reference herein.
9

10 Section 2: The City Commission hereby authorizes and directs the City Attorney to file a lawsuit
11 naming the City and those any individual Members of the Commission (in their official capacity) who
12 choose to participate, as plaintiffs, seeking declaratory and other appropriate relief to challenge the
13 Onerous Preemption Penalties contained in Section 790.33, Florida Statutes, based upon any
14 appropriate legal theories, including those set forth above.
15

16 Section 3: The City Commission invites and urges other local governments and elected officials to
17 join the City as plaintiffs in the lawsuit and to coordinate their efforts with the City.
18

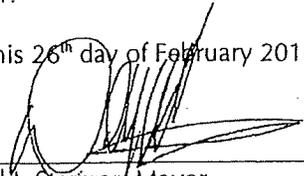
19 Section 4: The City Clerk is directed to distribute this Resolution to all local governments in Broward
20 County.
21

22 Section 5: The appropriate City officials are authorized to execute all necessary documents and to
23 take any necessary action to effectuate the intent of this Resolution.
24

25 Section 6: This Resolution shall take effect upon its adoption.
26
27

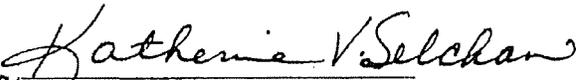
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WESTON, FLORIDA, AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO FILE A LAWSUIT SEEKING A DECLARATION THAT THE PROVISIONS PUNISHING ELECTED OFFICIALS SET FORTH IN SECTION 790.33, FLORIDA STATUTES, FOR VIOLATING THE PREEMPTION RELATED TO THE REGULATION OF FIREARMS AND AMMUNITION ARE INVALID, AND INVITING OTHER LOCAL GOVERNMENTS TO JOIN THE LAWSUIT.

1 ADOPTED by the City Commission of the City of Weston, Florida, this 26th day of February 2018.
2
3
4
5
6
7
8

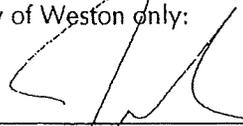


Daniel J. Stermer, Mayor

9 ATTEST:
10
11

12 
13 for Patricia A. Bates, City Clerk
14

15 Approved as to form and legality
16 for the use of and reliance by the
17 City of Weston only:
18
19
20



21 Jamie A. Cole, City Attorney
22

Roll Call:
Commissioner Jaffe yes
Commissioner Feuer yes
Commissioner Kallman yes
Commissioner Brown yes
Mayor Stermer yes

FOR RELEASE: FEBRUARY 28, 2018

**FLORIDA VOTERS OPPOSE TEACHERS WITH GUNS,
QUINNIPIAC UNIVERSITY POLL FINDS;
SUPPORT FOR 'ASSAULT WEAPON' BAN ALMOST 2-1**

Florida voters oppose 56 – 40 percent allowing teachers and school officials to carry guns on school grounds, according to a Quinnipiac University Poll released today. Voters with children under 18 years old in public schools oppose arming school personnel 53 – 43 percent.

But 51 percent of voters say “increased security at school entrances” would do more to reduce gun violence in schools, compared to 32 percent who say stricter gun laws would do more and 12 percent who say armed teachers would do more to keep schools safe, the independent Quinnipiac (KWIN-uh-pe-ack) University Poll finds.

Florida voters support 62 – 33 percent a nationwide ban on the sale of “assault weapons.” In a separate question with different wording, voters support 53 – 42 percent a nationwide ban on the sale of all “semi-automatic rifles.”

Voters support 65 – 29 percent “stricter gun laws,” with strong support for other gun control measures:

- 96 – 3 percent for requiring background checks for all gun buyers;
- 62 – 34 percent for a nationwide ban on the sale of high-capacity magazines that hold more than 10 rounds;
- 87 – 10 percent for a mandatory waiting period on all gun purchases;
- 78 – 20 percent for requiring that all gun buyers be at least 21 years old;
- 89 – 8 percent for allowing police or family members to petition a judge to remove guns from a person who may be at risk of violent behavior;
- 92 – 6 percent for banning gun ownership by anyone who has had a restraining order for stalking, domestic abuse or other reasons.

“The notion that we are bitterly divided on political matters – the case for past decades – has found an exception to that rule. Florida voters – be they young or old, white or black, man or woman – have a common enemy,” said Peter A. Brown, assistant director of the Quinnipiac University Poll.

-more-

Quinnipiac University Poll/February 28, 2018 – page 2

“Floridians are strongly united that more needs to be done to reign in guns, especially the type of gun used this month to massacre 17 people in Parkland,” Brown added.

“Depending on how questions are asked, large majorities support efforts to restrict gun purchases; to require background checks for buyers and to ban certain types of guns.

“These numbers show remarkable agreement across the electorate, the kind not seen very often these days.”

It is “too easy” to buy a gun in Florida today, 63 percent of voters say, while 28 percent say it is “about right” and 1 percent say it is “too difficult.”

Florida voters oppose 56 – 36 percent allowing local governments to adopt gun laws that are stricter than state law.

If more people carried guns, Florida would be “less safe,” 56 percent of voters say, while 34 percent say the state would be “safer.”

Florida’s state government must do more to reduce gun violence, 75 percent of voters say, while 18 percent say government is doing enough.

Voters give Gov. Rick Scott a split 42 – 45 percent approval rating for his handling of the issue of gun violence.

Voters disapprove 54 – 40 percent of President Donald Trump’s handling of gun violence and disapprove 50 – 39 percent of the president’s response to the Parkland school massacre.

Voters disapprove 52 – 31 percent of Sen. Marco Rubio’s handling of gun violence and give Sen. Bill Nelson a divided score as 36 percent approve and 37 percent disapprove.

Voting Rights for Former Felons

Florida voters support 67 – 27 percent restoring voting rights to convicted felons, other than those convicted of murder or sexual offenses, who have completed their sentences.

Every listed party, gender, education, age and racial group supports this idea, with support ranging from 50 – 42 percent among Republicans to 82 – 15 percent among Democrats.

From February 23 – 26, Quinnipiac University surveyed 1,156 Florida voters with a margin of error of +/- 3.6 percentage points, including the design effect. Live interviewers call landlines and cell phones.

The Quinnipiac University Poll, directed by Douglas Schwartz, Ph.D., conducts nationwide public opinion surveys, and statewide polls in Pennsylvania, New York, New Jersey, Connecticut, Florida, Ohio, Virginia, Iowa and Colorado as a public service and for research.

Visit poll.qu.edu or www.facebook.com/quinnipiacpoll
Call (203) 582-5201, or follow us on [Twitter @QuinnipiacPoll](https://twitter.com/QuinnipiacPoll).

17. Do you support or oppose restoring voting rights to individuals who have committed a felony other than murder or sexual offense and completed their sentences?

	Tot	Rep	Dem	Ind	Men	Wom	WHITE..... COLLEGE DEG				
							Yes	No			
Support	67%	50%	82%	68%	63%	70%	66%	63%			
Oppose	27	42	15	25	32	23	25	31			
DK/NA	6	8	3	6	5	7	9	5			
AGE IN YRS.....											
	18-34	35-49	50-64	65+	WHITE.....						
					Men	Wom	Wht	Blk	Hsp		
Support	79%	62%	66%	65%	59%	69%	65%	82%	62%		
Oppose	19	32	30	25	35	23	28	14	35		
DK/NA	2	6	4	9	6	8	7	4	3		
HAVE KIDS <18 YRS											
	Gun HsHld	DENSITY.....			InPublic						
		City	Suburb	Rural	Yes	School					
Support	63%	63%	72%	64%	62%	63%					
Oppose	31	31	23	28	31	32					
DK/NA	7	6	5	8	6	5					

19. Do you support or oppose stricter gun laws in the United States?

	Tot	Rep	Dem	Ind	Men	Wom	WHITE..... COLLEGE DEG				
							Yes	No			
Support	65%	43%	87%	68%	53%	76%	66%	57%			
Oppose	29	49	10	26	41	18	30	34			
DK/NA	6	8	2	6	6	6	4	8			
AGE IN YRS.....											
	18-34	35-49	50-64	65+	WHITE.....						
					Men	Wom	Wht	Blk	Hsp		
Support	72%	62%	62%	69%	48%	73%	61%	77%	73%		
Oppose	23	34	31	24	46	22	32	19	23		
DK/NA	5	4	7	7	7	6	6	5	5		
HAVE KIDS <18 YRS											
	Gun HsHld	DENSITY.....			InPublic						
		City	Suburb	Rural	Yes	School					
Support	49%	68%	68%	50%	64%	63%					
Oppose	42	27	26	41	33	34					
DK/NA	9	4	6	9	3	3					

20. Do you support or oppose requiring background checks for all gun buyers?

	Tot	Rep	Dem	Ind	Men	Wom	WHITE..... COLLEGE DEG				
							Yes	No			
Support	96%	94%	97%	97%	95%	97%	96%	98%			
Oppose	3	5	3	2	4	2	3	2			
DK/NA	1	1	-	-	1	1	2	-			
AGE IN YRS.....											
	18-34	35-49	50-64	65+	WHITE.....						
					Men	Wom	Wht	Blk	Hsp		
Support	99%	94%	95%	97%	95%	98%	97%	91%	98%		
Oppose	1	5	5	2	4	1	2	9	2		
DK/NA	-	1	-	1	1	1	1	-	-		
HAVE KIDS <18 YRS											
	Gun Hshld	DENSITY.....			InPublic						
		City	Suburb	Rural	Yes	School					
Support	95%	96%	97%	94%	96%	96%					
Oppose	4	3	3	5	3	3					
DK/NA	1	1	1	1	1	1					

21. Do you support or oppose a nationwide ban on the sale of assault weapons?

	Tot	Rep	Dem	Ind	Men	Wom	WHITE..... COLLEGE DEG				
							Yes	No			
Support	62%	40%	86%	62%	47%	75%	64%	58%			
Oppose	33	53	11	32	50	18	32	37			
DK/NA	5	7	3	5	3	7	4	4			
AGE IN YRS.....											
	18-34	35-49	50-64	65+	WHITE.....						
					Men	Wom	Wht	Blk	Hsp		
Support	47%	53%	65%	76%	44%	75%	61%	68%	64%		
Oppose	46	43	29	20	53	19	35	25	32		
DK/NA	7	4	7	4	3	6	4	7	4		
HAVE KIDS <18 YRS											
	Gun Hshld	DENSITY.....			InPublic						
		City	Suburb	Rural	Yes	School					
Support	43%	65%	64%	48%	50%	49%					
Oppose	52	29	32	47	46	46					
DK/NA	5	6	3	5	4	5					

22. Do you support or oppose a nationwide ban on the sale of all semi-automatic rifles?

	Tot	Rep	Dem	Ind	Men	Wom	WHITE..... COLLEGE DEG				
							Yes	No			
Support	53%	27%	78%	55%	36%	68%	53%	48%			
Oppose	42	66	19	39	59	26	40	48			
DK/NA	5	7	3	6	5	6	7	5			
AGE IN YRS.....											
	18-34	35-49	50-64	65+	WHITE.....						
					Men	Wom	Wht	Blk	Hsp		
Support	50%	41%	58%	62%	31%	67%	50%	66%	58%		
Oppose	48	55	38	31	65	27	44	33	38		
DK/NA	2	4	4	7	4	7	6	2	4		
HAVE KIDS <18 YRS											
	Gun DENSITY.....						InPublic				
	HsHld	City	Suburb	Rural	Yes	School					
Support	32%	57%	56%	34%	44%	42%					
Oppose	64	38	38	60	52	52					
DK/NA	4	5	5	6	4	5					

23. Do you support or oppose a nationwide ban on the sale of high-capacity ammunition magazines that hold more than 10 bullets?

	Tot	Rep	Dem	Ind	Men	Wom	WHITE..... COLLEGE DEG				
							Yes	No			
Support	62%	39%	85%	65%	48%	75%	64%	58%			
Oppose	34	56	14	31	50	20	30	39			
DK/NA	4	6	1	4	3	5	6	3			
AGE IN YRS.....											
	18-34	35-49	50-64	65+	WHITE.....						
					Men	Wom	Wht	Blk	Hsp		
Support	57%	54%	66%	72%	47%	73%	61%	74%	65%		
Oppose	42	43	31	24	51	21	34	26	33		
DK/NA	1	3	3	4	2	7	5	1	2		
HAVE KIDS <18 YRS											
	Gun DENSITY.....						InPublic				
	HsHld	City	Suburb	Rural	Yes	School					
Support	46%	65%	62%	55%	55%	53%					
Oppose	50	32	34	40	42	43					
DK/NA	4	3	4	5	3	3					

24. Do you support or oppose imposing a mandatory waiting period on all gun purchases, so that everyone who purchases a gun must wait a certain number of days before taking the gun home?

	Tot	Rep	Dem	Ind	Men	Wom	WHITE..... COLLEGE DEG				
							Yes	No			
Support	87%	82%	96%	88%	83%	91%	86%	87%			
Oppose	10	14	3	10	15	6	9	11			
DK/NA	3	4	1	2	2	3	5	2			
	AGE IN YRS.....				WHITE.....						
	18-34	35-49	50-64	65+	Men	Wom	Wht	Blk	Hsp		
Support	85%	88%	87%	90%	81%	91%	87%	93%	90%		
Oppose	14	10	11	6	17	5	10	7	9		
DK/NA	1	2	2	4	2	4	3	-	-		
	Gun DENSITY.....				HAVE KIDS <18 YRS						
	HsHld	City	Suburb	Rural	Yes	InPublic School					
Support	83%	90%	87%	82%	85%	85%					
Oppose	14	8	11	13	14	14					
DK/NA	2	2	2	5	1	1					

25. Do you support or oppose imposing a mandatory waiting period on purchases of assault weapons, so that everyone who purchases an assault weapon must wait a certain number of days before taking it home?

	Tot	Rep	Dem	Ind	Men	Wom	WHITE..... COLLEGE DEG				
							Yes	No			
Support	85%	82%	89%	87%	81%	89%	85%	84%			
Oppose	11	13	7	10	15	6	10	11			
DK/NA	4	5	4	2	4	5	5	5			
	AGE IN YRS.....				WHITE.....						
	18-34	35-49	50-64	65+	Men	Wom	Wht	Blk	Hsp		
Support	85%	86%	86%	85%	79%	89%	85%	89%	89%		
Oppose	13	12	9	9	17	5	10	10	10		
DK/NA	2	2	5	6	4	6	5	1	1		
	Gun DENSITY.....				HAVE KIDS <18 YRS						
	HsHld	City	Suburb	Rural	Yes	InPublic School					
Support	83%	88%	85%	81%	85%	83%					
Oppose	14	9	10	17	13	15					
DK/NA	3	3	6	2	2	2					

26. Do you support or oppose requiring individuals to be 21 years of age or older in order to purchase a gun?

	Tot	Rep	Dem	Ind	Men	Wom	WHITE..... COLLEGE DEG				
							Yes	No			
Support	78%	68%	93%	77%	67%	88%	76%	74%			
Oppose	20	29	7	22	31	10	20	24			
DK/NA	2	3	-	1	2	2	3	2			
AGE IN YRS.....											
	18-34	35-49	50-64	65+	WHITE.....						
					Men	Wom	Wht	Blk	Hsp		
Support	77%	71%	82%	82%	63%	85%	75%	88%	81%		
Oppose	23	27	17	15	35	12	22	12	18		
DK/NA	1	2	1	3	2	3	2	-	-		
HAVE KIDS <18 YRS											
	Gun HsHld	DENSITY.....			InPublic						
		City	Suburb	Rural	Yes	School					
Support	69%	78%	80%	74%	78%	78%					
Oppose	30	20	19	23	21	21					
DK/NA	2	2	2	3	1	1					

27. Do you support or oppose allowing the police or family members to petition a judge to remove guns from a person that may be at risk for violent behavior?

	Tot	Rep	Dem	Ind	Men	Wom	WHITE..... COLLEGE DEG				
							Yes	No			
Support	89%	86%	93%	91%	84%	94%	88%	92%			
Oppose	8	8	5	7	12	4	7	5			
DK/NA	3	5	1	2	4	2	5	3			
AGE IN YRS.....											
	18-34	35-49	50-64	65+	WHITE.....						
					Men	Wom	Wht	Blk	Hsp		
Support	90%	87%	87%	93%	87%	92%	90%	88%	91%		
Oppose	8	10	9	4	9	4	6	11	7		
DK/NA	2	3	4	3	4	3	4	1	2		
HAVE KIDS <18 YRS											
	Gun HsHld	DENSITY.....			InPublic						
		City	Suburb	Rural	Yes	School					
Support	86%	91%	91%	83%	86%	87%					
Oppose	11	6	6	15	10	10					
DK/NA	3	4	3	1	4	4					

28. Do you support or oppose banning the possession or purchase of a gun if an individual has had a restraining order filed against them for stalking or domestic, sexual, or repeat violence?

	Tot	Rep	Dem	Ind	Men	Wom	WHITE..... COLLEGE DEG	
							Yes	No
Support	92%	91%	96%	92%	89%	95%	94%	94%
Oppose	6	7	3	7	8	4	5	4
DK/NA	2	2	1	1	3	1	2	1

	AGE IN YRS.....				WHITE.....		Wht	Blk	Hsp
	18-34	35-49	50-64	65+	Men	Wom			
Support	92%	85%	94%	97%	91%	97%	94%	86%	93%
Oppose	5	12	4	2	7	2	4	12	5
DK/NA	3	3	2	1	3	1	2	2	2

	Gun DENSITY.....				HAVE KIDS <18 YRS	
	HsHld	City	Suburb	Rural	InPublic Yes	School
Support	91%	90%	95%	93%	86%	86%
Oppose	8	7	4	6	10	10
DK/NA	1	2	1	1	4	4

29. Do you think that local governments should be allowed to enact stricter gun laws to meet the needs of their communities, or should local governments be required to follow state gun laws?

	Tot	Rep	Dem	Ind	Men	Wom	WHITE..... COLLEGE DEG	
							Yes	No
Allow stricter laws	36%	20%	52%	38%	29%	43%	40%	31%
Follow state laws	56	71	43	55	64	49	54	62
DK/NA	8	9	5	7	7	8	6	7

	AGE IN YRS.....				WHITE.....		Wht	Blk	Hsp
	18-34	35-49	50-64	65+	Men	Wom			
Allow stricter laws	35%	35%	38%	37%	26%	43%	36%	43%	38%
Follow state laws	59	60	56	52	67	51	58	57	50
DK/NA	5	5	6	11	7	6	7	1	12

	Gun DENSITY.....				HAVE KIDS <18 YRS	
	HsHld	City	Suburb	Rural	InPublic Yes	School
Allow stricter laws	26%	36%	40%	29%	34%	31%
Follow state laws	69	53	55	67	57	60
DK/NA	6	11	5	4	8	9

30. Do you think it is too easy to buy a gun in Florida today, too difficult to buy a gun in Florida today, or about right?

	Tot	Rep	Dem	Ind	Men	Wom	WHITE.....				
							COLLEGE DEG				
							Yes	No			
Too easy	63%	38%	89%	64%	49%	75%	61%	55%			
Too difficult	1	2	1	2	2	1	2	-			
About right	28	50	6	26	43	15	29	37			
DK/NA	8	11	4	9	6	9	8	8			
AGE IN YRS.....											
	18-34	35-49	50-64	65+	WHITE.....						
					Men	Wom	Wht	Blk	Hsp		
Too easy	68%	59%	64%	65%	42%	71%	58%	76%	74%		
Too difficult	2	1	2	-	1	1	1	1	1		
About right	25	37	28	20	50	19	33	14	19		
DK/NA	4	3	6	14	7	9	8	9	5		
Guns in Public Schools.....											
	Gun Hshld	DENSITY.....			HAVE KIDS <18 YRS						
		City	Suburb	Rural	Yes	InPublic School					
Too easy	48%	66%	64%	53%	60%	58%					
Too difficult	1	1	2	1	1	1					
About right	46	24	27	41	34	35					
DK/NA	5	9	7	6	5	5					

31. If more people carried guns, do you think that Florida would be safer or less safe?

	Tot	Rep	Dem	Ind	Men	Wom	WHITE.....				
							COLLEGE DEG				
							Yes	No			
Safer	34%	64%	6%	30%	48%	21%	36%	45%			
Less safe	56	21	91	58	43	67	52	46			
DK/NA	10	15	3	13	8	12	12	9			
AGE IN YRS.....											
	18-34	35-49	50-64	65+	WHITE.....						
					Men	Wom	Wht	Blk	Hsp		
Safer	35%	39%	35%	26%	57%	27%	40%	10%	25%		
Less safe	59	50	56	63	35	61	49	85	63		
DK/NA	6	10	8	12	8	13	11	5	12		
Guns in Public Schools.....											
	Gun Hshld	DENSITY.....			HAVE KIDS <18 YRS						
		City	Suburb	Rural	Yes	InPublic School					
Safer	54%	32%	33%	43%	37%	38%					
Less safe	34	59	56	48	53	53					
DK/NA	12	10	11	9	9	9					

32. Do you support or oppose allowing teachers and school officials to carry guns on school grounds?

	Tot	Rep	Dem	Ind	Men	Wom	WHITE..... COLLEGE DEG	
							Yes	No
Support	40%	72%	11%	37%	48%	33%	45%	51%
Oppose	56	21	86	60	48	63	51	45
DK/NA	4	7	3	3	4	5	4	4

	AGE IN YRS.....				WHITE.....				
	18-34	35-49	50-64	65+	Men	Wom	Wht	Blk	Hsp
Support	32%	46%	42%	35%	59%	39%	48%	19%	27%
Oppose	66	51	55	59	37	56	48	78	68
DK/NA	2	3	4	6	3	5	4	3	5

	Gun DENSITY.....				HAVE KIDS <18 YRS	
	HsHld	City	Suburb	Rural	Yes	InPublic School
Support	57%	38%	38%	50%	43%	43%
Oppose	38	58	57	45	52	53
DK/NA	4	3	5	6	5	4

33. Which of these do you think would do more to reduce gun violence in schools, having stricter gun laws, armed teachers in schools, or increased security at school entrances?

	Tot	Rep	Dem	Ind	Men	Wom	WHITE..... COLLEGE DEG	
							Yes	No
Stricter gun laws	32%	8%	59%	29%	25%	38%	34%	26%
Armed teachers	12	24	-	12	18	8	16	16
Increased security	51	64	38	53	54	48	45	52
DK/NA	5	4	3	7	4	6	5	6

	AGE IN YRS.....				WHITE.....				
	18-34	35-49	50-64	65+	Men	Wom	Wht	Blk	Hsp
Stricter gun laws	33%	26%	34%	35%	22%	37%	30%	35%	34%
Armed teachers	11	9	16	12	23	11	16	4	8
Increased security	54	60	45	47	52	45	48	55	56
DK/NA	1	5	5	6	3	7	5	6	3

	Gun DENSITY.....				HAVE KIDS <18 YRS	
	HsHld	City	Suburb	Rural	Yes	InPublic School
Stricter gun laws	17%	30%	36%	26%	25%	23%
Armed teachers	19	12	12	16	13	14
Increased security	59	52	49	52	58	58
DK/NA	5	5	4	6	4	4

34. Do you approve or disapprove of President Trump's response to the recent school shooting in Florida?

	Tot	Rep	Dem	Ind	Men	Wom	WHITE..... COLLEGE DEG				
							Yes	No			
Approve	39%	75%	9%	34%	45%	34%	44%	49%			
Disapprove	50	14	85	53	44	57	49	38			
DK/NA	10	11	6	12	12	9	8	13			
	AGE IN YRS.....				WHITE.....						
	18-34	35-49	50-64	65+	Men	Wom	Wht	Blk	Hsp		
Approve	24%	42%	41%	41%	55%	39%	46%	13%	34%		
Disapprove	56	50	52	49	33	51	43	77	55		
DK/NA	20	8	7	10	12	9	10	11	11		
	Gun Hshld	DENSITY.....			HAVE KIDS <18 YRS						
		City	Suburb	Rural	Yes	InPublic School					
Approve	54%	36%	40%	49%	38%	35%					
Disapprove	34	53	52	40	50	51					
DK/NA	12	11	9	11	12	14					

35. Do you think Congress is doing enough to reduce gun violence or do you think Congress needs to do more to reduce gun violence?

	Tot	Rep	Dem	Ind	Men	Wom	WHITE..... COLLEGE DEG				
							Yes	No			
Doing enough	16%	28%	2%	16%	22%	10%	16%	20%			
Do more	79	63	98	78	71	86	78	70			
DK/NA	6	10	-	6	7	4	6	10			
	AGE IN YRS.....				WHITE.....						
	18-34	35-49	50-64	65+	Men	Wom	Wht	Blk	Hsp		
Doing enough	17%	17%	17%	10%	26%	12%	18%	3%	13%		
Do more	81	76	78	84	64	82	74	97	84		
DK/NA	1	7	5	6	11	6	8	-	3		
	Gun Hshld	DENSITY.....			HAVE KIDS <18 YRS						
		City	Suburb	Rural	Yes	InPublic School					
Doing enough	25%	11%	16%	25%	18%	19%					
Do more	67	83	80	65	78	77					
DK/NA	8	5	4	10	4	4					

36. Do you think Florida's state government is doing enough to reduce gun violence or do you think Florida's state government needs to do more to reduce gun violence?

	Tot	Rep	Dem	Ind	Men	Wom	WHITE..... COLLEGE DEG	
							Yes	No
Doing enough	18%	32%	3%	18%	26%	11%	18%	24%
Do more	75	58	96	75	67	83	75	68
DK/NA	6	10	1	7	6	6	7	8

	AGE IN YRS.....				WHITE.....				
	18-34	35-49	50-64	65+	Men	Wom	Wht	Blk	Hsp
Doing enough	14%	21%	21%	14%	31%	13%	21%	3%	17%
Do more	81	74	74	78	62	80	72	95	80
DK/NA	5	5	5	8	6	8	7	1	3

	Gun HsHld	DENSITY.....			HAVE KIDS <18 YRS	
		City	Suburb	Rural	Yes	InPublic School
Doing enough	28%	15%	17%	29%	22%	21%
Do more	64	79	77	64	76	76
DK/NA	8	6	6	8	3	3

37. Do you think that the NRA, or National Rifle Association, supports policies that are good for Florida or supports policies that are bad for Florida?

	Tot	Rep	Dem	Ind	Men	Wom	WHITE..... COLLEGE DEG	
							Yes	No
Good	35%	64%	9%	30%	48%	23%	37%	45%
Bad	50	17	81	53	40	58	51	42
DK/NA	16	19	10	17	12	19	12	14

	AGE IN YRS.....				WHITE.....				
	18-34	35-49	50-64	65+	Men	Wom	Wht	Blk	Hsp
Good	26%	37%	39%	30%	55%	29%	41%	18%	24%
Bad	58	40	52	55	35	56	46	66	52
DK/NA	16	23	9	15	10	15	13	16	24

	Gun HsHld	DENSITY.....			HAVE KIDS <18 YRS	
		City	Suburb	Rural	Yes	InPublic School
Good	55%	30%	33%	52%	36%	36%
Bad	31	51	57	31	45	42
DK/NA	14	20	10	17	20	22

38. (Intro q38-42: For each of the following, please tell me if you approve or disapprove of their handling of the issue of gun violence.)

Do you approve or disapprove of - President Trump's handling of the issue of gun violence?

	Tot	Rep	Dem	Ind	Men	Wom	WHITE..... COLLEGE DEG	
							Yes	No
Approve	40%	75%	10%	35%	48%	33%	44%	50%
Disapprove	54	18	88	59	46	61	53	42
DK/NA	5	8	2	7	5	6	3	8

	AGE IN YRS.....				WHITE.....		Wht	Blk	Hsp
	18-34	35-49	50-64	65+	Men	Wom			
Approve	28%	43%	43%	39%	58%	39%	47%	17%	35%
Disapprove	61	51	55	56	36	56	47	79	61
DK/NA	11	5	3	5	6	5	6	4	4

	Gun Hshld	DENSITY.....			HAVE KIDS <18 YRS InPublic School	
		City	Suburb	Rural	Yes	School
Approve	56%	35%	42%	48%	42%	42%
Disapprove	38	58	55	44	53	53
DK/NA	6	6	3	8	5	5

39. Do you approve or disapprove of - Governor Scott's handling of the issue of gun violence?

	Tot	Rep	Dem	Ind	Men	Wom	WHITE..... COLLEGE DEG	
							Yes	No
Approve	42%	68%	21%	38%	48%	37%	41%	51%
Disapprove	45	21	71	43	44	46	48	33
DK/NA	13	11	8	19	9	17	11	16

	AGE IN YRS.....				WHITE.....		Wht	Blk	Hsp
	18-34	35-49	50-64	65+	Men	Wom			
Approve	32%	40%	45%	45%	54%	39%	46%	32%	37%
Disapprove	46	44	49	43	37	44	41	61	47
DK/NA	22	16	6	13	9	17	13	7	16

	Gun Hshld	DENSITY.....			HAVE KIDS <18 YRS InPublic School	
		City	Suburb	Rural	Yes	School
Approve	57%	42%	39%	49%	41%	42%
Disapprove	32	44	50	34	45	43
DK/NA	12	14	11	16	14	14

40. Do you approve or disapprove of - the state legislature's handling of the issue of gun violence?

	Tot	Rep	Dem	Ind	Men	Wom	WHITE.....				
							Yes	No			
Approve	22%	35%	9%	21%	30%	15%	21%	23%			
Disapprove	59	38	83	59	53	64	61	54			
DK/NA	19	27	8	20	17	21	18	23			
AGE IN YRS.....											
	18-34	35-49	50-64	65+	Men	Wom	Wht	Blk	Hsp		
Approve	23%	27%	24%	15%	31%	15%	22%	22%	22%		
Disapprove	53	56	61	64	52	62	57	72	58		
DK/NA	24	16	15	21	17	23	20	6	19		
HAVE KIDS <18 YRS											
	Gun Hshld	DENSITY.....	City	Suburb	Rural	Yes	InPublic	School			
Approve	30%	21%	21%	30%	26%	26%					
Disapprove	46	60	65	43	55	54					
DK/NA	24	19	15	27	19	20					

41. Do you approve or disapprove of - Senator Rubio's handling of the issue of gun violence?

	Tot	Rep	Dem	Ind	Men	Wom	WHITE.....				
							Yes	No			
Approve	31%	52%	13%	30%	38%	26%	35%	33%			
Disapprove	52	24	81	50	48	56	52	42			
DK/NA	17	24	6	19	14	19	14	24			
AGE IN YRS.....											
	18-34	35-49	50-64	65+	Men	Wom	Wht	Blk	Hsp		
Approve	25%	36%	34%	28%	44%	26%	34%	29%	25%		
Disapprove	55	48	55	53	40	53	47	63	62		
DK/NA	20	16	11	19	16	22	19	8	13		
HAVE KIDS <18 YRS											
	Gun Hshld	DENSITY.....	City	Suburb	Rural	Yes	InPublic	School			
Approve	39%	29%	33%	34%	35%	35%					
Disapprove	41	55	53	42	49	50					
DK/NA	19	16	14	24	16	15					

42. Do you approve or disapprove of - Senator Nelson's handling of the issue of gun violence?

	Tot	Rep	Dem	Ind	Men	Wom	WHITE..... COLLEGE DEG				
							Yes	No			
Approve	36%	17%	57%	33%	33%	38%	38%	32%			
Disapprove	37	53	24	31	43	30	36	38			
DK/NA	28	29	18	36	24	31	25	30			
	AGE IN YRS.....				WHITE.....						
	18-34	35-49	50-64	65+	Men	Wom	Wht	Blk	Hsp		
Approve	27%	34%	39%	40%	32%	38%	35%	51%	29%		
Disapprove	32	33	42	37	45	31	37	33	38		
DK/NA	41	33	19	23	24	31	28	15	33		
	Gun HsHld	DENSITY.....			HAVE KIDS <18 YRS						
		City	Suburb	Rural	Yes	InPublic School					
Approve	31%	35%	36%	35%	35%	31%					
Disapprove	41	36	38	36	34	36					
DK/NA	28	29	26	29	31	33					

43. If you agreed with a candidate for United States Senator on other issues, but not on the issue of gun laws, could you still vote for that candidate, or would you definitely not vote for that candidate?

	Tot	Rep	Dem	Ind	Men	Wom	WHITE..... COLLEGE DEG				
							Yes	No			
Yes/Still vote	47%	58%	33%	51%	52%	43%	45%	50%			
No/Not vote	42	29	59	38	38	45	42	40			
DK/NA	11	13	8	11	10	13	13	11			
	AGE IN YRS.....				WHITE.....						
	18-34	35-49	50-64	65+	Men	Wom	Wht	Blk	Hsp		
Yes/Still vote	50%	50%	47%	42%	53%	42%	47%	50%	50%		
No/Not vote	41	39	44	43	38	44	41	45	36		
DK/NA	9	11	9	14	9	14	12	6	13		
	Gun HsHld	DENSITY.....			HAVE KIDS <18 YRS						
		City	Suburb	Rural	Yes	InPublic School					
Yes/Still vote	53%	46%	51%	46%	46%	46%					
No/Not vote	37	42	40	43	41	42					
DK/NA	10	12	9	11	13	13					

44. If you agreed with a candidate for governor on other issues, but not on the issue of gun laws, could you still vote for that candidate, or would you definitely not vote for that candidate?

	Tot	Rep	Dem	Ind	Men	Wom	WHITE..... COLLEGE DEG	
							Yes	No
Yes/Still vote	46%	58%	32%	50%	51%	43%	45%	47%
No/Not vote	44	31	60	40	41	46	46	44
DK/NA	10	11	8	10	8	11	10	9

	AGE IN YRS.....				WHITE.....		Wht	Blk	Hsp
	18-34	35-49	50-64	65+	Men	Wom			
Yes/Still vote	49%	50%	49%	40%	52%	40%	46%	51%	51%
No/Not vote	43	40	45	48	40	49	45	43	37
DK/NA	9	10	6	12	8	11	10	6	12

	Gun HsHld	DENSITY.....			HAVE KIDS <18 YRS InPublic School	
		City	Suburb	Rural	Yes	School
Yes/Still vote	51%	45%	49%	48%	49%	50%
No/Not vote	39	45	42	44	38	38
DK/NA	10	10	10	8	13	12

45. Has the recent mass shooting made you more likely to support stricter gun laws, less likely to support stricter gun laws, or hasn't it had an impact either way?

	Tot	Rep	Dem	Ind	Men	Wom	WHITE..... COLLEGE DEG	
							Yes	No
More likely	56%	40%	79%	52%	45%	65%	50%	50%
Less likely	6	11	3	6	8	5	5	7
No impact	35	44	18	42	45	27	44	39
DK/NA	3	5	-	1	2	3	2	4

	AGE IN YRS.....				WHITE.....		Wht	Blk	Hsp
	18-34	35-49	50-64	65+	Men	Wom			
More likely	51%	52%	54%	62%	37%	60%	50%	77%	62%
Less likely	5	5	8	4	7	5	6	6	5
No impact	41	41	35	29	52	32	41	15	30
DK/NA	3	1	3	4	3	3	3	2	3

	Gun HsHld	DENSITY.....			HAVE KIDS <18 YRS InPublic School	
		City	Suburb	Rural	Yes	School
More likely	42%	59%	56%	48%	54%	55%
Less likely	9	6	4	13	7	9
No impact	44	33	38	36	36	34
DK/NA	4	3	2	3	2	2

46. Is being the victim of a mass shooting something you personally worry about or not?

	Tot	Rep	Dem	Ind	Men	Wom	WHITE.....				
							COLLEGE DEG				
							Yes	No			
Yes/Worry	42%	37%	53%	38%	33%	50%	31%	39%			
No	57	62	45	61	66	49	68	60			
DK/NA	1	1	2	1	1	1	1	1			
	AGE IN YRS.....				WHITE.....						
	18-34	35-49	50-64	65+	Men	Wom	Wht	Blk	Hsp		
Yes/Worry	54%	53%	38%	31%	26%	42%	35%	51%	61%		
No	45	46	61	68	74	56	64	45	39		
DK/NA	1	1	1	1	-	1	1	4	-		
	Gun HsHld	DENSITY.....			HAVE KIDS <18 YRS						
		City	Suburb	Rural	Yes	InPublic School					
Yes/Worry	34%	48%	41%	30%	52%	52%					
No	65	52	58	68	47	47					
DK/NA	1	1	1	2	2	2					

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JANUARY TERM, A.D. 2002

NATIONAL RIFLE ASSOCIATION	**	
OF AMERICA, INC., UNIFIED	**	
SPORTSMEN OF FLORIDA, INC.,	**	
W. DAVID TUCKER, SR., and	**	CASE NO. 3D01-1027
JOHN DOE,	**	
Appellants,	**	
vs.	**	
CITY OF SOUTH MIAMI,	**	LOWER TRIBUNAL
Appellee.	**	CASE NO. 00-17530

Opinion filed March 20, 2002.

An appeal from the Circuit Court of Miami-Dade County, Thomas S. Wilson, Jr., Judge.

Montero, Finizio, Velasquez & Reyes (Ft. Lauderdale); Stephen P. Halbrook (Fairfax, Virginia), for appellants.

Nagin, Gallop & Figueredo and Earl G. Gallop, for City of South Miami; Paul F. Hancock, Deputy Attorney General; Parker D. Thomson, Special Assistant Attorney General; Michael J. Neimand, Assistant Attorney General, as amicus curiae for Attorney General Robert A. Butterworth, for appellee.

Before COPE, FLETCHER, and RAMIREZ, JJ.

FLETCHER, Judge.

The National Rifle Association and others have appealed the

trial court's summary judgment, in favor of the City of South Miami, concluding that this action for declaratory judgment is not ripe for determination. Involved is City of South Miami ordinance 14-00-1716, regulating firearms by establishing certain safety standards therefor. The declaration the appellants are seeking includes a determination that the City's ordinance is ultra vires because the legislature expressly preempted the entire field of firearm and ammunition regulation by enactment of section 790.33, Florida Statutes (2000). This statute reads in pertinent part:

"(1) PREEMPTION. - Except as expressly provided by general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or regulations relating thereto. Any such existing ordinances are hereby declared null and void.

.

(3) POLICY AND INTENT. -

(a) It is the intent of this section to provide uniform firearms laws in the state; to declare all ordinances and regulations null and void which have been enacted by any jurisdictions other than state and federal, which regulate firearms, ammunition, or components thereof; to prohibit the enactment of any future ordinances or regulations relating to firearms, ammunition or components thereof unless specifically authorized by this section or general law; and to require local jurisdictions to enforce state firearms laws."

In Penelas v. Arms Technology, Inc., 778 So. 2d 1042 (Fla. 3d DCA),

rev. denied, 799 So. 2d 218 (Fla. 2001), this court specifically stated that the legislature, through section 790.33, has indeed expressly preempted the entire field of firearm and ammunition regulation.

Authority for the state courts to render declaratory judgments regarding municipal ordinances may be found in section 86.021, Florida Statutes (2000):

"Any person . . . whose rights . . . are affected . . . by municipal ordinance . . . may have determined any question of . . . validity arising under such . . . municipal ordinance . . . and obtain a declaration of rights . . . thereunder."

In the recent Florida Supreme Court decision construing Chapter 86, Florida Statutes, Olive v. Maas, 27 Fla.L.Weekly S139 (Fla. Feb. 14, 2002), the court made it clear that the Declaratory Judgment Act is to be liberally construed. The court cited and quoted from X Corp. v. Y Person, 622 So. 2d 1098, 1100 (Fla. 2d DCA), rev. denied, 618 So. 2d 212 (Fla. 1993):

"The goals of the Declaratory Judgment Act are to relieve litigants of the common law rule that a declaration of rights cannot be adjudicated unless a right has been violated and to render practical help in ending controversies which have not reached the stage where other legal relief is immediately available. To operate within this sphere of anticipatory and preventive justice, the Declaratory Judgment Act should be liberally construed."

Here we have various well-meaning litigants eye-ball to eye-ball across counsel table, the City wondering whether its ordinance

has been preempted or whether it can enforce its own collective will over firearms, others wondering whether they are going to be illegally prosecuted by the City come next dove hunting season, and the Florida Attorney General wondering whether the judiciary will agree with his opinion on municipal regulation of firearms (AGO 2000-42). In light of these doubts and confrontations and in the liberal spirit of the Declaratory Judgment Act, we hold that this action is not premature and that the trial court erred in entering its final summary judgment for the City. We also hold that the City's ordinance no. 14-00-1716 is null and void as it is in conflict with section 790.33, Florida Statutes. We remand this case to the trial court for further proceedings consistent herewith.

Reversed and remanded.