

RESOLUTION NO. 2021-07

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HILLIARD, FLORIDA, A MUNICIPAL CORPORATION; DECLARING HILLIARD FLORIDA A CONSTITUTIONAL TOWN AND A REAFFIRMATION OF OUR COMMITMENT TO STAND IN OPPOSITION TO ANY ABRIDGEMENT OF OUR CONSTITUTIONAL RIGHTS AND STANDING IN IMMEDIATE OPPOSITION TO ANY ABRIDGEMENT OF OUR UNITED STATES CONSTITUTION SECOND AMENDMENT RIGHTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, we affirm our commitment, as we have all duly sworn, to the United States; and

WHEREAS, we attest to the pernicious and constant threat to the Second Amendment of the United States Constitution; and

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

WHEREAS, the United States 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 militia; and

WHEREAS, the United States 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 of the United States Constitution; and

WHEREAS, the Fourteenth Amendment to the United States 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 United States 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 of the United States Constitution. 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 United States 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 United States 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 United States 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 United States Constitution, the Federal government has no authority to enforce state laws on non-federal property and States cannot be compelled to enforce Federal laws.

WHEREAS, the protection of the United States Constitution depends on our Second Amendment rights.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HILLIARD, FLORIDA:

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

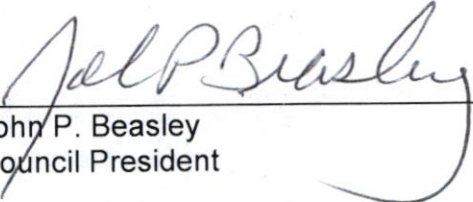
Section 2. The Town Council of the Town of Hilliard, Florida, hereby declares Hilliard Florida as a Constitutional City which will protect our residents' Second Amendment rights in order to preserve for the People of the Town of Hilliard, Florida all of their rights guaranteed by United States Constitution.

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

Section 4. All resolutions and parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

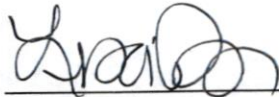
Section 5. This resolution shall become effective upon adoption and shall remain in full force and effect until amended or repealed by the Town of Hilliard, Town Council.

Adopted this 4th day of March, 2024, by the Hilliard Town Council, Hilliard, Florida.



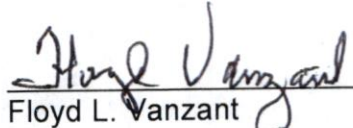
John P. Beasley
Council President

ATTEST:



Lisa Purvis
Town Clerk

APPROVED:



Floyd L. Vanzant
Mayor