

RESOLUTION NO. 2019/2020- 14

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF CLAY COUNTY, FLORIDA, DECLARING CLAY COUNTY'S  
SUPPORT OF THE SECOND AMENDMENT**

**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 in the *District of Columbia v. Heller*, 554 U.S. 570 (2008), affirmed that the Second Amendment right to keep and bear arms is unconnected with service in a militia; and

**WHEREAS**, the U.S. Supreme Court in *United States v. Miller*, 307 U.S. 174 (1939), supports that firearms that are part of ordinary military equipment or whose use could contribute to the common defense are protected by the Second Amendment; and

**WHEREAS**, the Fourteenth Amendment to the Constitution states in part that, “[n]o 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.; and

**WHEREAS**, the Tenth Amendment to the Constitution states that, “[t]he 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(a), 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 Clay County Board of County Commissioners each took an oath to support, protect and defend the Constitution and government of the United States and of the State of Florida; and

WHEREAS, the protectors of the U.S. Constitution are “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 Clay County, Florida, as follows:

**Section 1.** The Clay County Board of County Commissioners hereby declares Clay County’s support of the Second Amendment and opposition to the infringement of the right to bear arms, in order to preserve for the People of, on, and in Clay County, their rights guaranteed by the Constitution of the United States of America.

**Section 2.** The Clay County Board of County Commissioners hereby reaffirms our solemn oath to support, protect and defend the Constitution and government of the United States and of the State of Florida.

**Duly Adopted** by the Board of County Commissioners of Clay County, Florida this 26 day of November, 2019.

BOARD OF COUNTY COMMISSIONERS  
CLAY COUNTY, FLORIDA

By: Mike Cella  
Mike Cella, Its Chairman

Attest:



Howard Wanamaker, County Manager and  
Clerk of the Board of County Commissioners

