



## Legislation Text

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File #: RES 2019-251, Version: 1

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## AGENDA ITEM REPORT

### **TITLE:**

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY, ON BEHALF OF THE CITY, TO ENGAGE THE SERVICES OF OUTSIDE COUNSEL TO JOIN IN THE FILING OF A BRIEF AT THE FLORIDA SUPREME COURT, SUPPORTING THE PLACEMENT ON THE BALLOT OF THE INITIATIVE PETITION ENTITLED "PROHIBITS POSSESSION OF DEFINED ASSAULT WEAPONS."

### **BACKGROUND:**

Ban Assault Weapons NOW has proposed an amendment to the Constitution of the State of Florida that would prohibit the possession of semiautomatic rifles and shotguns capable of holding more than ten rounds of ammunition at once, either in fixed or detachable magazine, with certain exceptions ("Proposed Constitutional Amendment"). The Proposed Constitutional Amendment has met the registration, petition form submission, and signature criteria set forth in Section 15.21, Florida Statutes, to proceed through the Ballot process. On June 26, 2019, the Attorney General of the State of Florida requested an advisory opinion from the Florida Supreme Court as to the validity of the initiative petition and requested the opportunity to present arguments to the Florida Supreme Court. The Attorney General opposes placement of the Proposed Constitutional Amendment on a ballot, alleging that the title and summary were misleading and fail to inform voters of the impacts of the amendment. The Attorney General's petition, with the Proposed Constitutional Amendment and supporting documents, are attached for the Commission's review.

### **DISCUSSION:**

On September 23, 2019, the Florida Supreme Court set deadlines for submission of briefs and scheduled oral argument on the question. Briefs from interested parties are due on or before October 14, 2019. Oral argument is scheduled for February 4, 2020.

The City of Weston, Florida has authorized and directed its City Attorney, Weiss Serota Helfman Cole & Bierman, at a flat fee cost of \$25,000, to file a brief in opposition to the Attorney General, supporting the placement of the Proposed Constitutional Amendment on a ballot. The City of Weston is encouraging other local governments to join in the filing of the brief and asks that each local government participate in the cost, providing that the City's cost will not exceed \$3,000. Currently Weston, Miramar, Miami Beach, South Miami, Safety Harbor, Coral Gables, North Bay Village, and Lauderhill have joined the brief. The issue is on upcoming agendas of approximately five other various cities as well.

**RECOMMENDATION:**

Staff recommends that the Commission discuss the issue and determine if they desire to participate in the Amicus Brief, supporting the placement on a ballot of the Proposed Constitutional Amendment providing an assault weapon ban.

**FISCAL IMPACT:**

**REVENUES:** \$ 0

**EXPENDITURES:** \$ 3,000

**BUDGETED?** Yes

**NOTES:** Account No. 0113-3112, Outside Counsel.