



Legislation Text

File #: 200326., **Version:** 1

Firearms Preemption Lawsuit - City of Weston, Florida, et al v. State of Florida, et al (B)

Receive this written update on the firearms preemption lawsuit.

At the September 3rd City Commission Meeting, the Commission requested an update on the status of this litigation. As the Commission will recall, in April 2018, the Commission adopted Resolution No. 171005 directing that the City join the City of Weston, Florida, et al v. State of Florida, et al. lawsuit. This lawsuit was filed by twenty-six municipalities, one individual, and numerous elected officials from those municipalities, and seeks to invalidate the penalties imposed on local elected officials and municipalities for violating the preemption against local regulation of firearms and ammunition contained in Section 790.33, Florida Statutes. Two other similar cases, one filed by four other cities and one filed by Broward, Miami-Dade and Leon Counties, were consolidated into the Weston Case. The City is represented by outside counsel, the Weiss Serota Helfman (WSH) firm, in this case.

On July 26, 2019, Judge Dodson, Circuit Court Judge in Leon County, invalidated the penalty provisions and entered Final Judgment in favor of Plaintiffs (the cities) and against Defendants (State government officials), a copy of which is attached in the back-up to this agenda item.

This ruling was appealed by the Defendants and is now pending before the First District Court of Appeals. The Initial Brief was filed November 22, 2019 by the Defendants. On December 23, 2019, the cities filed an answer brief in support of the trial court's ruling. Subsequently, the Commissioner of Agriculture (a defendant in the Circuit Court proceeding), and several other individuals and entities including the League of Women Voters, Giffords Law Center to Prevent Gun Violence, Brady, Equality Florida Institute, Florida League of Cities, Florida Association of Counties, and certain local government law professors filed an amicus brief in support of the trial court's ruling as well.

On July 14, 2020, a three-judge panel of Florida's First District Court of Appeal heard oral argument from the parties. The oral argument can be watched on YouTube at https://youtu.be/FiAiQ_H3yAs. The oral argument took place via Zoom and lasted approximately one hour. The Appellants (state defendants, except Nikki Fried) were represented by James H. Percival, Chief Deputy Solicitor General. The Appellees (local governments and officials) were represented by Edward G. Guedes from the WSH firm. We are currently waiting for the First District Court of Appeal to render its opinion.