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PRESS RELEASE

FOR IMMEDIATE RELEASE

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Miami Beach Mayor Dan Gelber, the City Commission and other local elected officials file a lawsuit against the State of Florida on gun regulation laws

— *Florida Law prohibits local government from adopting reasonable gun laws tailored to local municipalities* —

Miami Beach, FL – This Monday, in the City of Weston, local leaders joined forces and filed a lawsuit to invalidate the penalties given to local officials who want to enact gun safety laws in their respective Florida cities. The current Florida gun laws prevent local mayors and police chiefs, from passing common-sense public safety measures to keep their communities safe.

“The fundamental job of local government is to protect its people, and the idea that we cannot control our own space to ensure it is safe for our residents and visitors is astounding,” said Mayor Dan Gelber.

Local Florida officials are prohibited from enacting local gun ordinances and are at risk of being suspended or removed from office, fined up to \$5,000 and sued personally for damages if they do so. This has effectively stopped local government from taking any actions on firearms.

The lawsuit alleges that the penalties for violating the preemption against local regulation of firearms are invalid and unconstitutional because, among other things, they:

- Conflict with the Governor’s limited power to remove local government officials
- Violate legislative immunity and separation of powers
- Violate governmental function immunity
- Infringe on freedom of speech
- Are void because they are overly vague
- Lack rational basis and are arbitrary and capricious
- Violate the Constitutional right to petition and instruct

The City’s involvement in the lawsuit followed a unanimous vote from the Commissioners to join with Weston and other municipalities including the City of Miramar, Pompano Beach, Lauderhill, Miami Gardens, South Miami, Pinecrest, Cutler Bay and Coral Gables.

“Obviously we need gun control laws, and obviously the ones we have are not working,” explained Commissioner John Elizabeth Alemán. “It’s not a partisan issue. If state and federal legislators are unable to work together to protect our people, we are prepared and willing to do it at the local level.”

"If being removed from office and paying a fine is the price I have to pay in order to pass sensible gun regulations so that we can protect the lives of our residents, I am willing to pay that price," noted Commissioner Ricky Arriola.

"As the only current member of the Commission serving in 2011 when this wrongful law was passed penalizing local government representatives from passing any legislation impacting gun regulation, I knew after the Parkland shootings that we needed to take immediate action to have this law set aside," said Commissioner Michael C. Gongora. "I am proud to have been the Commission sponsor of the agenda item to participate in a lawsuit against the State of Florida and champion it passing on the Commission. I am grateful to the Mayor and Commissioners for unanimously supporting this approach and standing united against bad state legislation. I am hopeful that this lawsuit will rescind this punitive law and allow local government a voice in regulating our own communities as our constituents expect we will do all possible to keep the City of Miami Beach safe."

"This is one of the most egregious examples of Tallahassee selling out to a public interest, the NRA. Whether it's the NRA, Uber, or Air BnB, Tallahassee has been chipping away at our home rule when special interests have deep pockets," added Commissioner Kristen Rosen Gonzalez. "This has to stop, so I am proud to be part of the first joint initiative to fight this Republican supermajority."

"These penalties and prohibitions on elected officials are absolutely outrageous," added Commissioner Mark Samuelian. "I will not be handcuffed in my efforts to serve and protect the people of Miami Beach and am proud to be a plaintiff."

"When our Federal and State leaders fail to protect our residents, we must have the ability to do so through reasonable and constitutional gun legislation," said Vice Mayor Micky Steinberg. "We must be able to take common sense measures to keep Miami Beach from being added to the rapidly growing list of communities that have suffered mass shootings."

[Click here to read the full complaint.](#)

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