



To: Mayor and Commissioners

From: Miriam Soler Ramos, City Attorney for the City of Coral Gables

MSR

RE: Legal Opinion Regarding 790.33 - Firearms Regulation

Date: March 19, 2018

This opinion is authored in response to the City Commission's wish to adopt an ordinance that would prohibit the sale of "assault weapons" in the City of Coral Gables. At the February 27, 2018 meeting, the Commission voted 4-0 (with Commissioner Lago absent after having to leave earlier in the day for a previously scheduled commitment) to ban the sale of "assault weapons" in the City. During the meeting, the City Attorney instructed the Commission of the existence of Sec. 790.33, F.S. which preempts all regulation of firearms and ammunition to the State and expressly prohibits all existing and future county, city, town, or municipal ordinances relating thereto. The City Attorney further instructed the City Commission of the penalty provisions set out in Sec. 790.33(3), F.S. and made clear that she would not sign an Ordinance of the nature proposed for form and legal sufficiency. Over the City Attorney's objection, the City Commission voted in favor of doing so and directed the City Attorney to draft an ordinance to be considered on First Reading. The City Attorney does not believe that the act of drafting the Ordinance, as directed by the City Commission, violates Sec. 790.33(3)(a), F.S. as it does not constitute "enacting or causing to be enforced." The City Attorney's opinion regarding the fact that the proposed ordinance violates State law and is, therefore, not legal remains the same as does her position regarding signing the Ordinance.

This opinion is issued pursuant to Sec. 2-252(e)(1) and (8) of the City of Coral Gables Code, giving the City Attorney the authority to issue legal interpretations.

From: [Ramos, Miriam](#)
To: [Paulk, Enga](#)
Subject: Opinion re. 790.33 - firearms regulation
Date: Monday, March 19, 2018 4:05:19 PM
Attachments: [image001.png](#)
Importance: High

Enga, please publish.

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