Jeri Muoio's gun ban at West Palm Beach city hall draws fire

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Updated: 10:00 a.m. Monday, Sept. 12, 2011
Posted: 10:55 p.m. Sunday, Sept. 11, 2011

Mayor Jeri Muoio might negotiate on some issues, but when it comes to guns in city hall, she holds her ground: No weapons allowed.

She has even invoked a rare executive order to ban weapons in the building where the city carries out its business, citing the safety of residents.

"You absolutely cannot come into this building with a gun," Muoio said at a city commission meeting last month. "If you're coming into city hall, leave your guns or weapons at home or in your car."

Muoio's stance is drawing the ire of pro-gun-rights lawmakers and lobbyists, who say she's not abiding by a state law set to take effect Oct. 1.

The legislation says state gun laws override local regulation of firearms and ammunition, and that if any "county, agency, municipality, district, or other entity" doesn't abide by the laws, the official who is responsible can be fined up to $5,000 and removed from office by the governor.

On Tuesday, the West Palm Beach City Commission voted to change its ordinance to meet the state requirements. That meant taking out references to guns in city law and referring residents to state law. Final approval is set for Sept. 19.

Muoio said the city would comply but added, "I think the legislature got it wrong on this." And she and City Attorney Claudia McKenna said they don't believe complying with state law means allowing guns in city hall.

'Meetings' at issue

According to state statute, guns are banned in "any meeting of the governing body of a county, public school district, municipality or special district."

McKenna, at a meeting with commissioners last month, said state law clearly bans weapons in "meetings of government bodies." But she added: "Of course, we have continuous meetings in this building."

Commissioner Kimberly Mitchell said the law should apply to all public meetings in city hall, including citizen task forces, since they make recommendations to the commission. Mitchell said the city doesn't have the manpower to police residents roaming city hall with guns while keeping others out of meetings.
At the same time, Mitchell questioned Muoio's executive order banning guns, saying the mayor can't supersede state law.

"While that might be uncomfortable, if that's what the law is, that's what the law is," Mitchell said.

Marion Hammer, a lobbyist for the National Rifle Association in Tallahassee and a former NRA president, said that state law bans guns only in official meetings with the city commission - not typical day-to-day staff meetings that take place in city hall. A task force isn't a "governing body," she said.

Florida Atlantic University constitutional law professor Timothy Lenz said he's never seen the law interpreted, and he understands both sides of the argument.

Any public meeting in the state, for instance, has to be conducted in the sunshine, Lenz said. "That's not just like the policymaking bodies, but any official body (like a task force)," he said. However, he added, "whether that would be considered a governing authority, I don't know."

State Sen. Greg Evers, R-Baker, who co-sponsored the state law, said he interprets it to mean citizens can bring guns into city halls. What they can't do is walk into a room where a public meeting is being held, he said.

"When I go into city hall or the courthouse, I always leave my gun in the truck. I always err on the side of caution," Evers said. "But as long as you don't carry that gun into a meeting, they cannot restrict you from having it."

Concern over Giffords shooting

West Palm Beach officials became sensitive about guns in January, when then-Mayor Lois Frankel noticed that William McCray, an off-duty Palm Beach County sheriff's deputy and outspoken city critic, was carrying a gun. Frankel called a halt to the meeting, claiming there were technical difficulties, then ordered Police Chief Delsa Bush to remove McCray.

Asked about it afterward, Frankel cited the shooting at an Arizona political rally a few weeks earlier of U.S. Rep. Gabrielle Giffords as a reason for heightened concern. After that West Palm commission meeting, the city posted signs at the city hall entrance, banning guns in the building.

McCray contends state law allows him to have a gun at a city meeting, since he is a law enforcement officer.

Palm Beach County Sheriff's Office spokeswoman Teri Barbera, however, said that while her agency allows off-duty deputies to be armed, its policy is to respect the wishes of city and county commissions, as well as courthouse judges, who often don't allow guns while in session.

State Rep. Mark Pafford, D-West Palm Beach, said "a lot of well-intended laws and ordinances are going to be wiped out because of the change in state law."

Guns allowed at Capitol

But Pafford noted that guns are allowed in the state Capitol in Tallahassee. Residents with a concealed weapons permit go through a metal detector, show their weapon and then are escorted by a law enforcement officer.
Pafford, who was an aide to Frankel when she was a state representative, recalled that she once received a death threat and an officer was stationed outside her legislative office.

Frankel said Friday she didn't recall that incident but didn't doubt it, because there was political heat over abortion then.

As for Muoio, Hammer wants her fined when the new law takes effect.

"The mayor is willfully and knowingly violating the law under the color of authority," Hammer said.

Muoio insists she's just protecting residents and city employees.

"Our intention," Muoio said, "is to keep the people in this building safe."