

**MEMORANDUM**

Not On  
Agenda Item No. 10(A)(6)

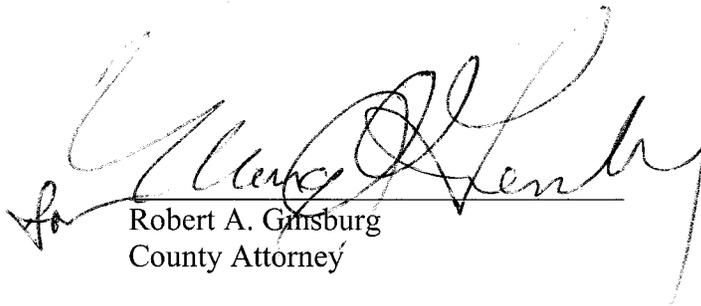
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**TO:** Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners      **DATE:** September 21, 2004

**FROM:** Robert A. Ginsburg  
County Attorney      **SUBJECT:** Resolution urging U.S. Congress to reinstate the Federal Assault Weapons Ban

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The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Jimmy L. Morales, Chairperson Barbara Carey-Shuler, Ed.D., Commissioner Sally A. Heyman, Commissioner Joe A. Martinez and Commissioner Katy Sorenson.

  
Robert A. Ginsburg  
County Attorney

RAG/bw



# MEMORANDUM

(Revised)

**TO:** Hon. Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

**DATE:** September 21, 2004

**FROM:** Robert A. Ginsburg  
County Attorney

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**SUBJECT:** Agenda Item No. 10(A)(6)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Not On  
Agenda Item No. 10(A)(6)  
9-21-04

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION URGING THE U.S. CONGRESS TO REINSTATE THE FEDERAL ASSAULT WEAPONS BAN; URGING THE FLORIDA LEGISLATURE TO IMPOSE A STATE ASSAULT WEAPONS BAN; AND ALTERNATIVELY URGING THE CONGRESS AND THE LEGISLATURE TO LIFT THE PREEMPTION AND ALLOW LOCAL GOVERNMENTS TO IMPOSE AN ASSAULT WEAPONS BAN**

**WHEREAS**, the federal law banning the sale of semiautomatic assault weapons, known as the Federal Assault Weapons Act, was signed into law on September 13, 1994 as part of the Violent Crime Control and Law Enforcement Act of 1994; and

**WHEREAS**, the assault weapons ban expired on September 13, 2004 since the President and Congress did not renew it; and

**WHEREAS**, as a result of the expiration of the ban on assault weapons, UZIs, AK-47s and other semiautomatic assault weapons could begin flooding our streets again as the weapons of choice for gang members, drug dealers and other dangerous criminals; and

**WHEREAS**, the guns covered by the Assault Weapons Act are semiautomatic versions of fully automatic guns designed for military use, which are designed to enhance their capacity to shoot multiple targets very rapidly, with uniquely military features with no sporting purpose whatsoever; and

**WHEREAS**, the firepower of assault weapons makes them especially desired by violent criminals and especially lethal in their hands; and

**WHEREAS**, prior to the Act, although assault weapons constituted less than 1% of the guns in circulation, they were a far higher percentage of the guns used in crime; and

**WHEREAS**, according to the Bureau of Alcohol Tobacco and Firearms (“ATF”) assault weapons are preferred by criminals over law abiding citizens eight to one such that access to them shifts the balance of power to the lawless; and

**WHEREAS**, assault weapons have been used to perpetrate some of the worst mass murders ever committed in the United States; and

**WHEREAS**, law enforcement has been united in support of banning these assault weapons as they are of particular danger and concern to law enforcement personnel; and

**WHEREAS**, limiting civilian access to such weapons lessens the need for law enforcement to carry assault weapons themselves in order to match the firepower capability that criminals with assault weapons would have; and

**WHEREAS**, according to various studies, the Act has significantly reduced the incidence of assault weapons in the use of crime; and

**WHEREAS**, a Miami-Dade police officer was shot with a semi-automatic assault weapon the day before the federal assault weapon ban expired; and

**WHEREAS**, California, Massachusetts, New York and Hawaii have their own laws banning assault weapons; and

**WHEREAS**, this Board of County Commissioners finds it in the best interest of the public safety of this community to maintain the ban on assault weapons,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA** that this Board:

Section 1. Urges the U.S. Congress to reauthorize the federal assault weapons ban.

Section 2. Urges the Florida Legislature to institute a state ban on assault weapons.

Section 3. Urges the U.S. Congress and the Florida Legislature to lift the preemption presently in place and allow local governments to impose an assault weapons ban.

Section 4. Directs the County's federal and state lobbyists to lobby for passage of legislation that reinstates and/or imposes an assault weapons ban, or alternatively, allows local governments to impose an assault weapons ban, and directs the Office of Intergovernmental Affairs to include this item in the federal and state legislative packages.

Section 5. Directs the Clerk of the Board to send a certified copy of this resolution to the Florida Congressional Delegation and the chair and members of the Miami-Dade State Legislative Delegation.

The foregoing resolution was sponsored by Commissioner Jimmy L. Morales, Chairperson Barbara Carey-Shuler, Ed.D., Commissioner Sally A. Heyman, Commissioner Joe A. Martinez and Commissioner Katy Sorenson and offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson

Katy Sorenson, Vice-Chairperson

Bruno A. Barreiro

Betty T. Ferguson

Joe A. Martinez

Dennis C. Moss

Natacha Seijas

Sen. Javier D. Souto

Jose "Pepe" Diaz

Sally A. Heyman

Jimmy L. Morales

Dorin D. Rolle

Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 21<sup>st</sup> day of September, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency. JMM

Jess M. McCarty