

MEMORANDUM

Agenda Item No. 11(A)(19)

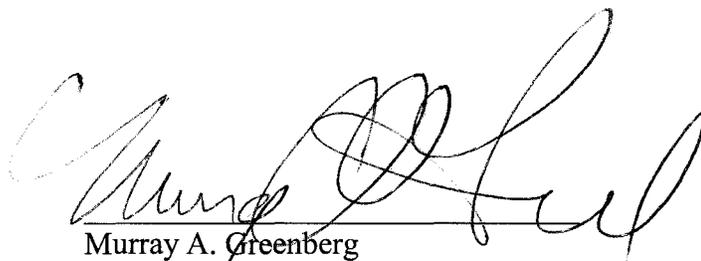
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: February 20, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution relating to
increasing the penalties for the
unlawful discharge of a
firearm in public

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Audrey M. Edmonson and Commissioner Jose "Pepe" Diaz.



Murray A. Greenberg
County Attorney

MAG/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: February 20, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 11(A)(19)

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 _____

Agenda Item No. 11(A)(19)
02-20-07

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
INCREASE THE PENALTIES FOR THE UNLAWFUL
DISCHARGE OF A FIREARM IN PUBLIC

WHEREAS, discharging a firearm into the air to celebrate the coming of a New Year or any other occasion has resulted in death and serious injury from stray bullets; and

WHEREAS, tragically, too many innocent Florida residents, including children, have been accidentally killed or seriously injured by the celebratory discharge of a firearm; and

WHEREAS, state law provides that knowingly discharging a firearm in any public place or over any occupied premises, while outside of a vehicle, is a misdemeanor of the first degree; and

WHEREAS, there is a great need to increase the criminal penalties for the dangerous practice of recklessly discharging a firearm in public in an effort to deter this behavior and reduce the number of deaths and serious bodily injuries resulting therefrom,

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

Section 1. Urges the Florida Legislature to pass legislation increasing the penalties for the unlawful discharge of a firearm in public from a misdemeanor to a felony.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker and Chair and members of the Miami- Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2007 State Legislative Package.

The foregoing resolution was sponsored by Commissioner Audrey M. Edmonson and Commissioner Jose "Pepe" Diaz and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|------------------------------------|--------------------|
| Bruno A. Barreiro, Chairman | |
| Barbara J. Jordan, Vice-Chairwoman | |
| Jose "Pepe" Diaz | Audrey M. Edmonson |
| Carlos A. Gimenez | Sally A. Heyman |
| Joe A. Martinez | Dennis C. Moss |
| Dorrin D. Rolle | Natacha Seijas |
| Katy Sorenson | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of February, 2007. 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.



Abigail Price-Williams