

## MEMORANDUM

Agenda Item No. 11(A)(11)

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<b>TO:</b>	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners	<b>DATE:</b>	February 17, 2009
<b>FROM:</b>	R. A. Cuevas, Jr. County Attorney	<b>SUBJECT</b>	Resolution urging the Florida Legislature to enact legislation making it a capital offense to kill or injure someone with an AK- 47 or other semi-automatic assault weapon

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### ADDITIONS

**This resolution was amended by the Health, Public Safety and Intergovernmental Committee to add the words underlined, as indicated in the item.**

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan, and Co-Sponsors Commissioner Dorrin D. Rolle and Commissioner Rebeca Sosa.



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R. A. Cuevas, Jr.  
County Attorney

RAC/jls



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Dennis C. Moss      **DATE:** February 17, 2009  
and Members, Board of County Commissioners

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

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

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 Mayor'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)(11)  
2-17-09

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

RESOLUTION URGING THE FLORIDA LEGISLATURE TO  
ENACT LEGISLATION MAKING IT A CAPITAL OFFENSE  
TO KILL OR INJURE SOMEONE WITH AN AK-47 OR  
OTHER SEMI-AUTOMATIC ASSAULT WEAPON

**WHEREAS**, on Friday, January 23, 2009, a gunman unexpectedly opened fire on a crowd of about 50 people who had gathered at the corner of NW 71<sup>st</sup> Street and 15<sup>th</sup> Avenue; and

**WHEREAS**, nine people were wounded, including two that were tragically killed, in what police called one of the largest mass shootings in Miami history; and

**WHEREAS**, the two people killed were both teenagers, Brandon T. Mills, age 16, and Derrick "Termite" Gloster, age 18; and

**WHEREAS**, the incident followed the September 13, 2007 tragic shooting of four Miami-Dade Police Officers, including the death of one such officer, Officer Jose Somohano, all arising out of a traffic stop in south Miami-Dade County; and

>>WHEREAS, on January 8, 2008, Miami Police Department Detective James Walker was shot and killed by an AK-47 when he attempted to take police action while off duty; and<sup>1</sup><<

**WHEREAS**, in 2007 there were 16 deaths in Miami-Dade with the use of assault weapons, and in 2008 there were 15 such deaths, according to the Miami-Dade Police Department; and

**WHEREAS**, these incidents and statistics indicate that the current penalties for crimes involving firearms are not adequate to act as a deterrent to gun violence; and

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<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

**WHEREAS**, Florida ranks among the most violent states in the nation, and also has some of the most lenient gun laws in the nation; and

**WHEREAS**, criminals who use firearms during the commission of violent crimes pose increased danger to the lives, health, and safety of our community's residents and law enforcement officers who daily put their lives on the line to protect the community from violent criminals, and

**WHEREAS**, in 1999, the Florida Legislature passed the "10-20-Life" bill, HB 113 (Chapter 99-12, Laws of Florida), which imposed a mandatory minimum 10-year prison term for any person who possesses a firearm at any time during the course of an enumerated offense; a mandatory minimum 20-year prison term if the offender discharges a firearm during the course of one of the enumerated felonies; and a 25-year to life sentence if the firearm is discharged causing death or great bodily harm; and

**WHEREAS**, HB 113 also increased the penalty for the possession of a semiautomatic firearm and its high-capacity detachable box magazine or a machine gun during the course of an enumerated felony from 8 years to 15 years; and

**WHEREAS**, stronger penalties are needed to combat gun violence,

**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 enact legislation making it a capital offense to kill or injure someone by an AK-47 or other semi-automatic assault weapon.

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

**Section 3.** Directs the County's state lobbyists to advocate for the legislation set forth in Section 1 above, and authorizes and directs that the 2009 State Legislative Package be amended to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan, and the Co-Sponsors are Commissioner Dorrin D. Rolle and Commissioner Rebeca Sosa. It was 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:

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

The Chairman thereupon declared the resolution duly passed and adopted this 17<sup>th</sup> day of February, 2009. 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.  
Jess M. McCarty

JMM

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