MEMORANDUM

Agenda Item No. 11(A)(20)

TO:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners	**DATE:**	June 3, 2010
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT**	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 Florida Legislature to lift the preemption on local governments' regulating assault weapons in Florida and allow local governments to impose an assault weapons ban

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: June 3, 2010

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

SUBJECT: Agenda Item No. 11(A)(20)

Please note any items checked.

_____ **"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**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(20)
6-3-10

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 FLORIDA LEGISLATURE TO LIFT THE PREEMPTION ON LOCAL GOVERNMENTS' REGULATING ASSAULT WEAPONS IN FLORIDA AND ALLOW LOCAL GOVERNMENTS TO IMPOSE AN ASSAULT WEAPONS BAN

WHEREAS, in January, 2009, a gunman opened fire on a crowd of about 50 people who had gathered at the corner of NW 71st Street and 15th Avenue, killing two people and wounding nine others; and

WHEREAS, witnesses described the firearm used as large assault weapon, like an AK-47; 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, these incidents exemplify the dangers of semiautomatic assault weapons, such as UZIs and AK-47s, that are designed for military purposes and have no legitimate use for hunting and other civilian uses; and

WHEREAS, assault weapons are designed to enhance their capacity to shoot multiple targets very rapidly at long range, with a range of up to 100 yards and magazines that commonly enable the shooter to continuously fire dozens of rounds without reloading; and

WHEREAS, the firepower of assault weapons makes them especially desirable to violent criminals and particularly lethal in their hands; 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, the International Association of Chiefs of Police recently urged Congress to impose an effective assault weapons ban; 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, semiautomatic assault weapons were banned for a period of ten (10) years beginning in 1994 under the Federal Assault Weapons Act; and

WHEREAS, various studies indicated that the Federal Assault Weapons Act significantly reduced the incidence of assault weapons in the use of crime; and

WHEREAS, the assault weapons ban expired in 2004 and has not been renewed; and

WHEREAS, since the expiration of the assault weapons ban in 2004, there has been an escalation in the presence of assault weapons on our streets as the weapons of choice for gang members, drug dealers and other dangerous criminals; and

WHEREAS, the states of California, Connecticut, Hawaii, Maryland, Massachusetts, New Jersey, and New York all have passed laws banning assault weapons; and

WHEREAS, this Board finds it in the best interest of the public safety of this community to reinstate 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 reinstate the federal assault weapons ban.

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

Section 3. Alternatively urges the Florida Legislature to lift the preemption presently in place and allow local governments to impose an assault weapons ban.

Section 4. Directs the Clerk of the Board to send a certified copy of this resolution to the Miami-Dade County Congressional Delegation, the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 5. 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 authorizes and directs that the 2010 and 2011 Federal Legislative Packages and the 2011 State Legislative Package be amended to include these issues.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. 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 Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of June, 2010. 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