

MEMORANDUM

Agenda Item No. 11(A)(24)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: February 1, 2011

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

SUBJECT Resolution urging the Florida
Legislature to increase the
criminal penalties for the use of
certain ammunition commonly
used in assault weapons during
the commission of a felony

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 Joe A. Martinez
and Members, Board of County Commissioners

DATE: February 1, 2011

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

SUBJECT: Agenda Item No. 11(A)(24)

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)(24)
2-1-11

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA
LEGISLATURE TO INCREASE THE CRIMINAL
PENALTIES FOR THE USE OF CERTAIN
AMMUNITION COMMONLY USED IN ASSAULT
WEAPONS DURING THE COMMISSION OF A
FELONY

WHEREAS, in September 2004, a gunman opened fire on a Miami-Dade County police officer, wounding her and destroying her police car; and

WHEREAS, the ammunition used in that crime is commonly chambered in high capacity assault type weapons; and

WHEREAS, in September 2007, a gunman opened fire on four Miami-Dade Police Officers, killing one and wounding three others; and

WHEREAS, the ammunition used in that crime is commonly chambered in high capacity assault type weapons; and

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, the ammunition used in that crime is commonly chambered in high capacity assault type weapons; and

WHEREAS, the lethality of the aforementioned ammunition, especially when used in combination with high capacity assault type weapons, makes it especially desirable to violent criminals; and

WHEREAS, Miami-Dade County and other communities throughout Florida are currently experiencing acts of extreme violence by individuals using ammunition in the following calibers which are commonly chambered in high capacity assault type weapons: 5.56x45 mm (.223), 7.62x51 mm (.308), 7.62x39 mm, and 5.45x39 mm; and

WHEREAS, the commission of felonies using these types of ammunition and other similar rounds, should result in enhanced criminal penalties; and

WHEREAS, such enhanced penalties would not penalize individuals for the lawful use of the foregoing calibers, for purposes including, but not limited to, self-defense, legal hunting, competitive sharp shooting, and use by the military, but would only punish criminal activity,

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 enhancing the penalties for the use of ammunition such as 5.56x45 mm (.223), 7.62x51 mm (.308), 7.62x39 mm, or 5.45x39 mm ammunition and other similar ammunition commonly used in assault weapons, when such ammunition is used in the commission of a felony.

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

Section 3. Directs the County's state lobbyists to advocate for the issue identified in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2011 state legislative package.

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:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairman thereupon declared the resolution duly passed and adopted this 1st day of February, 2011. 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.



Martin W. Sybblis

5