

# MEMORANDUM

Agenda Item No. 11(A)(21)

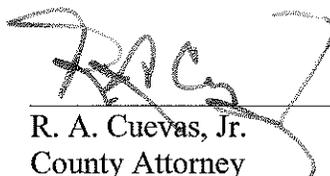
**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** October 2, 2012

**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/smm

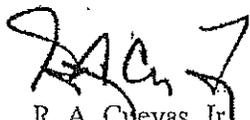


# MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

**DATE:** October 2, 2012

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County Attorney

**SUBJECT:** Agenda Item No. 11(A)(21)

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)(21)  
10-2-12

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 what has been described as the worst mass shooting in U.S. history, in July, 2012, a gunman opened fire in a crowded movie theatre in Aurora, Colorado with an AR-15 assault rifle with a 100-round magazine, killing 12 people and injuring another 59 people; 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 in Miami, killing two people and wounding nine others; and

**WHEREAS**, witnesses described the firearm used as large assault weapon, like an AK-47; and

**WHEREAS**, on September 13, 2007 four Miami-Dade Police Officers were shot, and one officer, Officer Jose Somohano, was killed with an assault weapon, all arising out of a traffic stop in south Miami-Dade County; and

**WHEREAS**, these incidents exemplify the dangers of assault weapons, such as UZIs, AK-47s and AR-15s, 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 impose 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 the Office of Intergovernmental Affairs to include these issues in the 2013 Federal and State Legislative Packages when they are presented to the Board for approval.

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
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 2<sup>nd</sup> day of October, 2012. 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