

MEMORANDUM

Agenda Item No. 11(A)(16)

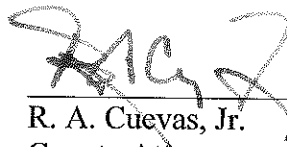
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 23, 2013

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

SUBJECT: Resolution urging Congress and the Florida Legislature to require a purchaser of ammunition, except a law enforcement officer or member of the armed forces, to provide a driver's license or other picture identification

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



R. A. Cuevas, Jr.
County Attorney

RAC/smm



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 23, 2013

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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 Mayor'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)(16)
1-23-13

RESOLUTION NO. _____

RESOLUTION URGING CONGRESS AND THE FLORIDA LEGISLATURE TO REQUIRE A PURCHASER OF AMMUNITION, EXCEPT A LAW ENFORCEMENT OFFICER OR MEMBER OF THE ARMED FORCES, TO PROVIDE A DRIVER'S LICENSE OR OTHER PICTURE IDENTIFICATION; ALTERNATIVELY, URGING THE FLORIDA LEGISLATURE TO LIFT THE PREEMPTION ON LOCAL GOVERNMENTS REQUIRING SUCH IDENTIFICATION

WHEREAS, without ammunition, firearms are no more dangerous than a blunt object, which makes ammunition the actual agent of harm, according to *Regulating Guns in America* published by the Legal Community Against Violence; and

WHEREAS, while firearms are subject to various regulations, ammunition is largely unregulated in the United States; and

WHEREAS, in 1968, Congress enacted the Gun Control Act of 1968, Public Law No. 90-618, which imposed a number of regulations on ammunition manufacturers, dealers and purchasers, including:

- Requiring all ammunition manufacturers and dealers to be licensed and maintain ammunition logs;
- Prohibiting licensees from selling any ammunition to persons under age 18 and handgun ammunition to persons under age 21;
- Prohibiting interstate sales to unlicensed purchasers through, for example, mail-order transactions; and

WHEREAS, in 1986, Congress enacted the Firearms Owners' Protection Act, Public Law No. 99-308, which repealed many provisions of the Gun Control Act of 1968, except the minimum age requirements; and

WHEREAS, while Congress considered legislation during the 1990s to regulate ammunition, Congress has not reenacted these provisions or other regulations of ammunition since that time; and

WHEREAS, current federal law prohibits the sale or transfer of ammunition to any person who is:

- Underage,
- A convicted felon,
- A fugitive from justice,
- Has been adjudicated as mental defective or committed to a mental institution,
- Is an illegal alien,
- Has been dishonorably discharged from the military, or
- Has renounced U.S. citizenship, among other prohibited categories; and

WHEREAS, current federal law does not, however, require sellers of ammunition to conduct background checks to determine if a prospective purchaser falls into one of these prohibited categories; and

WHEREAS, four states, Maryland, Massachusetts, Minnesota and Washington along with the District of Colombia require sellers of ammunition to have licenses, while three states, Illinois, Massachusetts and New Jersey along with the District of Colombia require a license to purchase or possess ammunition; and

WHEREAS, Florida does not require a license of either sellers or purchasers of ammunition; and

WHEREAS, with the exceptions of prohibiting felons and persons subject to an injunction for domestic violence, Florida does not impose any restrictions on the sale or purchase of ammunition; and

WHEREAS, a 2006 study of ammunition purchases in the City of Los Angeles found that 10,050 rounds of ammunition had been sold to convicted felons and other prohibited persons within a two-month period, according to a study published in a journal entitled Injury Prevention; and

WHEREAS, such a study would not be possible in Florida because there is no mechanism to determine who is buying ammunition; and

WHEREAS, requiring a purchaser of ammunition, except a law enforcement officer or member of the armed forces, to show a driver's license or other form of identification is no more onerous than what is currently required to vote in the State of Florida; and

WHEREAS, section 790.33, Florida Statutes, expressly preempts local governments from regulating firearms and ammunition; and

WHEREAS, a second statute, section 125.0107, Florida Statutes, further prohibits any county from adopting any ordinance relating to the possession or sale of ammunition,

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

Section 1. Urges Congress and the Florida Legislature to require a purchaser of ammunition, except a law enforcement officer or member of the armed forces, to provide a driver's license or other picture identification.

Section 2. Alternatively urges the Florida Legislature to lift the preemption on local governments regulating in this area.

Section 3. Directs the Clerk of the Board to transmit certified copies of this resolution to the members of the Florida Congressional Delegation and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 4. Directs the County’s federal lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2013 Federal Legislative Package when it is presented to the Board.

Section 5. Directs the County’s state lobbyists to advocate for the action set forth in Sections 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2013 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan and the Co-Sponsor is Commissioner Sally A. Heyman. 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:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

- | | |
|----------------------|----------------------|
| Bruno A. Barreiro | Esteban L. Bovo, Jr. |
| Jose "Pepe" Diaz | Audrey M. Edmonson |
| Sally A. Heyman | Barbara J. Jordan |
| Jean Monestime | Dennis C. Moss |
| Sen. Javier D. Souto | Xavier L. Suarez |
| Juan C. Zapata | |

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of January, 2013. 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