

# MEMORANDUM

Agenda Item No. 11(A)(18)

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

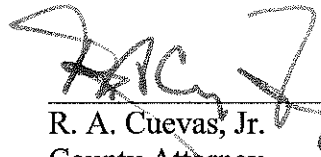
**DATE:** January 23, 2013

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

**SUBJECT:** Resolution urging the U.S. Congress to close the "Gun Show Loophole" nationwide and urging the Florida Legislature to act statewide to require private sales of firearms to include a mandatory background check of a purchaser of a firearm

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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

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

**SUBJECT:** Agenda Item No. 11(A)(18)

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

Agenda Item No. 11(A)(18)

Veto \_\_\_\_\_

1-23-13

Override \_\_\_\_\_

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

RESOLUTION URGING THE UNITED STATES CONGRESS TO CLOSE THE "GUN SHOW LOOPHOLE" NATIONWIDE AND URGING THE FLORIDA LEGISLATURE TO ACT STATEWIDE TO REQUIRE PRIVATE SALES OF FIREARMS TO INCLUDE A MANDATORY BACKGROUND CHECK OF A PURCHASER OF A FIREARM REGARDLESS OF WHETHER THE FIREARM VENDOR IS LICENSED OR NONLICENSED PURSUANT TO FEDERAL OR STATE LAW

**WHEREAS**, approximately 33 states have no requirement that "private" sales of firearms by a vendor without a federal firearm license (a "nonlicensed vendor"), including those that occur regularly at gun shows, flea markets and other events throughout the country including in the State of Florida, include any kind of background check of the purchaser; and

**WHEREAS**, Florida has no uniform requirement for background check of the purchaser for firearm purchases at gun shows or any other private sale where the vendor is a nonlicensed vendor of firearms; and

**WHEREAS**, over 5,000 traditional gun shows are held annually across the United States, attracting thousands of attendees per show and hundreds of Federal firearms licensees and nonlicensed vendors; and

**WHEREAS**, gun shows, as well as flea markets and other organized events, at which a large number of firearms are offered for sale by federal firearms licensees and nonlicensed vendors, form a significant part of the national firearms market; and

**WHEREAS**, at gun shows, flea markets, and other organized events at which guns are exhibited or offered for sale or exchange, criminals and other prohibited persons obtain guns

without background checks and frequently use guns that cannot be traced to later commit crimes;  
and

**WHEREAS**, since the enactment of the Brady Handgun Violence Prevention Act (Public Law 103-59; 107 Stat. 1536) in 1993, over 100,000,000 background checks have been performed by federal firearms licensees, denying guns to more than 1,600,000 illegal buyers; and

**WHEREAS**, sales by nonlicensed vendors at gun shows, flea markets, and other organized events are not required to perform background checks, thereby allowing potentially prohibited persons to avoid background checks and purchase firearms; and

**WHEREAS**, gun violence is a pervasive, national problem that is exacerbated by the availability of guns at gun shows, flea markets, and other organized events; and

**WHEREAS**, Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to require background checks to ensure that criminals and other prohibited persons do not obtain firearms at gun shows, flea markets, and other organized events; and

**WHEREAS**, the Florida Legislature has the authority to require by statute that any nonlicensed vendors be required to conduct the same background check of the purchaser as currently required for licensed vendors,

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

**Section 1.** Urges the United States Congress to pass legislation closing the “Gun Show Loophole” nationwide by requiring background checks for purchasers of firearms at gun shows, flea markets, and other organized events regardless of whether the seller is a licensed or nonlicensed vendor of firearms.

**Section 2.** Urges the Florida Legislature to pass legislation closing the “Gun Show Loophole” by requiring background checks for purchasers of firearms regardless of whether the seller is a licensed or nonlicensed vendor of firearms.

**Section 3.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of 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 4.** Directs the County's federal and state lobbyists to advocate for the legislation set forth 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 and to amend the 2013 State Legislative Package to include this item.

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  
Jose "Pepe" Diaz  
Sally A. Heyman  
Jean Monestime  
Sen. Javier D. Souto  
Juan C. Zapata

Esteban L. Bovo, Jr.  
Audrey M. Edmonson  
Barbara J. Jordan  
Dennis C. Moss  
Xavier L. Suarez

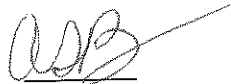
The Chairperson thereupon declared the resolution duly passed and adopted this 23<sup>rd</sup> day of January, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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.



Alex S. Bokor