

MEMORANDUM

Agenda Item No. 11(A)(3)

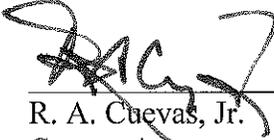
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: February 19, 2014

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

SUBJECT: Resolution urging the Florida
Legislature to enact legislation
that would allow counties and
municipalities to regulate the
possession of firearms on
property owned by such counties
and municipalities

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairwoman Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM
(Revised)

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

DATE: February 19, 2014

FROM: 
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County Attorney

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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)(3)
2-19-14

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
ENACT LEGISLATION THAT WOULD ALLOW COUNTIES
AND MUNICIPALITIES TO REGULATE THE POSSESSION
OF FIREARMS ON PROPERTY OWNED BY SUCH
COUNTIES AND MUNICIPALITIES

WHEREAS, municipalities and counties have been granted broad home rule powers pursuant to Sections 1 and 2, Article VIII of the Florida Constitution and Sections 125.01 and 166.021, Florida Statutes; and

WHEREAS, the Florida Legislature has made a number of exceptions to this policy, including the enactment of Section 790.33, Florida Statutes, preempting the field of regulation of firearms and ammunition to itself; and

WHEREAS, during the 2011 session, the Legislature strengthened this preemption and added civil liability for local governments that attempted to regulate firearms; and

WHEREAS, counties and municipalities are currently preempted from regulating firearms in government buildings, which can be targets for disgruntled residents or unstable individuals; and

WHEREAS, under current Florida law, it is legal to enter a county or municipal facility with a loaded firearm except for such a facility that is set forth in Section 790.06, Florida Statutes, including airport sterile areas, police stations, detention facilities, courthouses, and meetings by the governing body of a county or municipality; and

WHEREAS, there are counties and municipalities that seek to exercise their home rule powers in the field of firearms upon property owned by such counties or municipalities with the

same freedom that they have in other fields to consider and account for local conditions and sensibilities,

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 enact legislation that would allow counties and municipalities to regulate the possession of firearms on property owned by such municipality or county.

Section 2. Directs the Clerk of the Board to transmit a certified copy 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 passage of this legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2014 state legislative package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Chairwoman Rebeca Sosa. 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 19th day of February, 2014. 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.

MP

Matthew Papkin