

# MEMORANDUM

Agenda Item No. 11(A)(28)

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**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

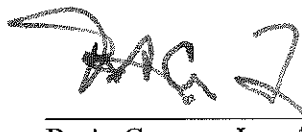
**DATE:** January 21, 2015

**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

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



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R. A. Cuevas, Jr.  
County Attorney

RAC/smm



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** January 21, 2015

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

**SUBJECT:** Agenda Item No. 11(A)(28)

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)(28)

Veto \_\_\_\_\_

1-21-15

Override \_\_\_\_\_

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**, Miami-Dade County and other communities throughout Florida and the United States are currently experiencing an increase in acts of extreme violence by individuals using high capacity, assault-type weapons; and

**WHEREAS**, a recent study conducted by scholars from the Harvard School of Public Health and Northeastern University found that mass shootings in the United States are occurring more frequently since 2011; and

**WHEREAS**, for example, on January 19, 2013, a 15-year-old in Albuquerque, New Mexico used two assault rifles to kill his father, mother, and three siblings, and, when he was apprehended by police officers, investigators found that the 15-year-old had loaded a van with various weapons and ammunition with plans to shoot up a nearby Wal-Mart; and

**WHEREAS**, a gunman used an AR-15 assault rifle to kill 26 people, including 20 children, at Sandy Hook Elementary School in Newtown, Connecticut on December 14, 2012; and

**WHEREAS**, on July 20, 2012, a gunman opened fire in a crowded movie theatre in Aurora, Colorado with an AR-15 assault rifle, and he killed 12 people and injured another 59 people; and

**WHEREAS**, in January 2009, a gunman opened fire on a crowd of approximately 50 people who were gathered at the corner of NW 71st Street and 15th Avenue in Miami, and he killed two people and wounded nine others; 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 during a traffic stop in south Miami-Dade County; and

**WHEREAS**, these acts of violence, and others involving high capacity, assault-type weapons, have used ammunition in the following calibers: 5.56x45 mm (.223), 7.62x51 mm (.308), 7.62x39 mm, and 5.45x39 mm; and

**WHEREAS**, the previously listed ammunition used in these crimes was originally designed for military use and was, in fact, first used in assault rifles and machine guns by military personnel in active combat zones; and

**WHEREAS**, the lethal nature of assault weapon ammunition, especially when used in combination with high capacity, assault-type weapons, makes it especially desirable to violent criminals who intend to inflict maximum harm; and

**WHEREAS**, due to the extraordinary harm that this type of ammunition can cause when used by violent criminals, 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, or 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 commonly used in assault weapons, such as 5.56x45 mm (.223), 7.62x51 mm (.308), 7.62x39 mm, or 5.45x39 mm ammunition and other similar ammunition, when such ammunition is used in the commission of a felony.

**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 County State Legislative Delegation.

**Section 3.** Directs the County's state lobbyists to advocate for the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2015 State Legislative Package to include this item.

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:

Jean Monestime, Chairman  
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 21<sup>st</sup> day of January, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

MBV

Michael B. Valdes