

# MEMORANDUM

Agenda Item No. 11(A)(29)

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

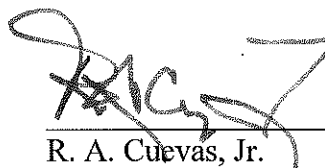
**DATE:** January 21, 2015

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

**SUBJECT:** Resolution urging Congress to  
reinstate the federal assault  
weapons ban; urging the Florida  
Legislature to impose a state  
assault weapons ban; or  
alternatively, urging the Florida  
Legislature to lift the preemption  
on local governments' regulation  
of assault weapons in Florida and  
allow local governments to  
impose an assault weapons ban

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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)(29)

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)(29)

1-21-15

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

RESOLUTION URGING CONGRESS TO REINSTATE THE FEDERAL ASSAULT WEAPONS BAN; URGING THE FLORIDA LEGISLATURE TO IMPOSE A STATE ASSAULT WEAPONS BAN; OR ALTERNATIVELY, URGING THE FLORIDA LEGISLATURE TO LIFT THE PREEMPTION ON LOCAL GOVERNMENTS' REGULATION OF ASSAULT WEAPONS IN FLORIDA AND ALLOW LOCAL GOVERNMENTS TO IMPOSE AN ASSAULT WEAPONS BAN

**WHEREAS**, in December 2012, a gunman, using an AR-15 assault rifle with a 30-round magazine opened fire in an elementary school in Newtown, Connecticut, killing 20 children and six staff members; and

**WHEREAS**, in July 2012, a gunman opened fire in a crowded movie theatre in Aurora, Colorado using an AR-15 assault rifle with a 100-round magazine, killing 12 people and injuring 59 others; and

**WHEREAS**, in June 2014, two gunmen using automatic weapons shot at a crowd of people outside an apartment complex at NW 15th Avenue and 65th Street in Miami, killing two people and injuring seven others; 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 a large assault weapon, similar to 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; and

**WHEREAS**, such weapons are designed for military purposes and have no legitimate use for hunting and other civilian uses; and

**WHEREAS**, assault weapons are designed to enhance the capacity to rapidly shoot multiple targets, 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 make them especially desirable to violent criminals and particularly lethal when handled by such criminals; and

**WHEREAS**, according to the Bureau of Alcohol Tobacco and Firearms, assault weapons are preferred by criminals over law abiding citizens eight to one such that access to these weapons shifts the balance of power to the lawless; and

**WHEREAS**, law enforcement has been united in support of banning assault weapons as these weapons are of particular danger and concern to law enforcement personnel; and

**WHEREAS**, the International Association of Chiefs of Police urged Congress to impose an effective assault weapons ban; and

**WHEREAS**, limiting civilian access to such weapons lessens the need for law enforcement to carry assault weapons 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 10 years beginning in 1994 under the Federal Assault Weapons Act; and

**WHEREAS**, various studies indicate that the Federal Assault Weapons Act significantly reduced the use of assault weapons in crimes; and

**WHEREAS**, the assault weapons ban expired in 2004 and has not been renewed; and

**WHEREAS**, the District of Columbia, California, Connecticut, Hawaii, Maryland, Massachusetts, New Jersey and New York have all passed laws banning assault weapons; and

**WHEREAS**, this Board finds it in the best interest of this community's safety 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 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 on local governments' regulation of assault weapons and allow local governments to impose an assault weapons ban.

**Section 4.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the Miami-Dade County Congressional Delegation, the Governor, the Senate President, the House Speaker, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

**Section 5.** Directs the County's federal and state lobbyists to advocate for the 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 amend the 2015 Federal and State Legislative Packages to include these issues.

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

Jose "Pepe" Diaz

Sally A. Heyman

Dennis C. Moss

Sen. Javier D. Souto

Juan C. Zapata

Daniella Levine Cava

Audrey M. Edmonson

Barbara J. Jordan

Rebeca Sosa

Xavier L. Suarez

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.

APP

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