# MEMORANDUM

Agenda Item No. 11(A)(4)

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

**DATE:** November 17, 2015

**FROM:** Abigail Price-Williams
County Attorney

**SUBJECT:** Resolution opposing SB 300, HB 163, or similar legislation that would allow a person licensed to carry a concealed firearm or weapon to openly carry such firearm or weapon

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.

Abigail Price-Williams
County Attorney

APW/cp

# MEMORANDUM

**(Revised)**

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

**DATE:** November 17, 2015

**FROM:** Abigail Price-Williams
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(4)

**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**

_____ **Statement of social equity 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)(4)
11-17-15

RESOLUTION NO. _____

RESOLUTION OPPOSING SB 300, HB 163, OR SIMILAR LEGISLATION THAT WOULD ALLOW A PERSON LICENSED TO CARRY A CONCEALED FIREARM OR WEAPON TO OPENLY CARRY SUCH FIREARM OR WEAPON

**WHEREAS**, Florida law currently prohibits openly carrying a firearm or weapon; and

**WHEREAS**, however, a person licensed to carry a concealed firearm or weapon may openly display their firearm or weapon in a brief and nonthreatening manner, in necessary self-defense; and

**WHEREAS**, Senate Bill (SB) 300 has been filed for consideration during the 2016 session of the Florida Legislature by Senator Don Gaetz (R – Destin); and

**WHEREAS**, House Bill (HB) 163 has been filed for consideration during the 2016 session of the Florida Legislature by Representative Matt Gaetz (R – Shalimar); and

**WHEREAS**, among other things, SB 300 and HB 163 would:

(1) allow a person licensed to carry a concealed firearm or weapon to openly carry such firearm or weapon; and

(2) require any person or entity infringing upon an individual's right to bear arms and openly carry their firearm or weapon to have probable cause to believe that a crime has been committed by that individual; and

**WHEREAS**, some law enforcement representatives oppose SB 300 and HB 163 because it would restrict the ability of officers to ensure public safety and would fail to include enhanced training and requirements for the holstering and handling of openly carried weapons; and

**WHEREAS**, the Florida Sheriffs Association polled its members and 70 percent of sheriffs statewide oppose the legislation; and

**WHEREAS**, this Board would like to oppose SB 300, HB 163, or similar legislation that would allow a person licensed to carry a concealed firearm or weapon to openly carry such firearm or weapon,

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

**Section 1.** Opposes SB 300, HB 163, or similar legislation that would allow a person licensed to carry a concealed firearm or weapon to openly carry such firearm or weapon.

**Section 2.** Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, Senator Don Gaetz, Representative Matt Gaetz, and the Chair and Members of the Miami-Dade State Legislative Delegation.

**Section 3.** Directs the County's state lobbyists to advocate against the legislation described in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson. 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 17th day of November, 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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