

MEMORANDUM

Agenda Item No. 11(A)(6)

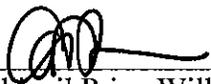
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: November 15, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the United States Congress to enact the Terror Intelligence Improvement Act of 2016 or similar legislation that would prevent terrorists from purchasing firearms while also protecting the constitutional rights of law abiding citizens

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



Abigail Price-Williams
County Attorney



APW/cp

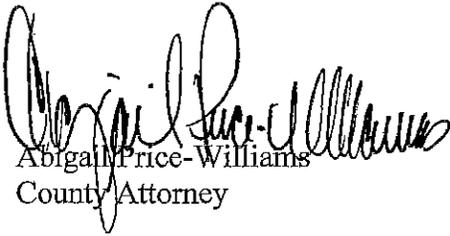


MEMORANDUM

(Revised)

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

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County Attorney

SUBJECT: Agenda Item No. 11(A)(6)

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)(6)
11-15-16

RESOLUTION NO. _____

RESOLUTION URGING THE UNITED STATES CONGRESS
TO ENACT THE TERROR INTELLIGENCE IMPROVEMENT
ACT OF 2016 OR SIMILAR LEGISLATION THAT WOULD
PREVENT TERRORISTS FROM PURCHASING FIREARMS
WHILE ALSO PROTECTING THE CONSTITUTIONAL
RIGHTS OF LAW ABIDING CITIZENS

WHEREAS, on June 12, 2016, a terrorist, pledging his allegiance to the Islamic State in Iraq and Syria (ISIS), gunned down 49 people and wounded 53 others in an Orlando, Florida nightclub; and

WHEREAS, the Orlando shooting became the deadliest mass shooting in the United States and the nation's worst terror attack since September 11, 2001; and

WHEREAS, reports later surfaced that the terrorist had been interviewed by the Federal Bureau of Investigation (FBI) in 2013 and 2014 for suspected terrorist ties; and

WHEREAS, the terrorist was known to the FBI for being an ISIS sympathizer; and

WHEREAS, despite this, the terrorist was able to legally purchase a handgun and a long gun just days before the attack; and

WHEREAS, United States Senator Marco Rubio (R-FL) introduced a bill, titled the Terror Intelligence Improvement Act of 2016, that would make it harder for suspected terrorists to purchase firearms and easier for law enforcement agencies to investigate and arrest terrorists, while safeguarding law-abiding citizens' Second Amendment and due process rights; and

WHEREAS, the Act would:

- (1) consolidate all federal terrorism intelligence under the FBI;
- (2) require that the FBI Director and the Joint Terrorism Task Force be immediately notified of any request to transfer a firearm to an individual who was the subject of a federal terrorism investigation within the last 10 years;
- (3) authorize the United States Attorney General to delay the purchase or transfer of firearms by an individual who was the subject of a federal terrorism investigation within the last 10 years, file an emergency petition to stop the purchase and make an arrest if the petition demonstrates probable cause that the individual engages, supports or has engaged or supported in terrorist plots;
- (4) protect the due process rights of law-abiding Americans by ensuring emergency petitions filed by the United States Attorney General are only granted if the transferee receives notice of the hearing and has the opportunity to participate with legal counsel; and
- (5) require the Inspector General of the Intelligence Community to conduct an audit of the federal government's terrorism screening and watch list procedures, and present recommendations for improving the system to the Senate and House Intelligence Committees; and

WHEREAS, this Board would like to urge the United States Congress to enact the Terror Intelligence Improvement Act because it would further protect Americans and improve our national security,

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 enact the Terror Intelligence Improvement Act of 2016 or similar legislation that would prevent terrorists from purchasing firearms while also protecting the constitutional rights of law abiding citizens.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to Senator Marco Rubio and the remaining Members of the Miami-Dade County Congressional Legislative Delegation.

Section 3. Directs the County's federal lobbyists to advocate for the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 Federal Legislative Package to include this item and to include this item in the 2017 Federal Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner 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:

- | | |
|-------------------------------------|----------------------|
| 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 15th day of November, 2016. 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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