

MEMORANDUM

Agenda Item No. 11(A)(25)

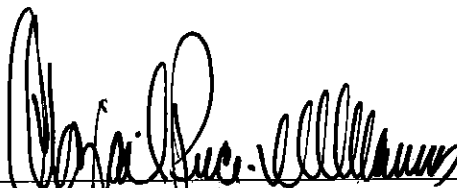
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: November 7, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution opposing HR 367,
the Hearing Protection Act of
2017, or similar legislation
that would repeal current
federal regulations on firearm
silencers

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Vice Chairwoman Audrey M. Edmonson, Commissioner Sally A. Heyman, Commissioner Dennis C. Moss and Commissioner Rebeca Sosa.



Abigail Price-Williams
County Attorney

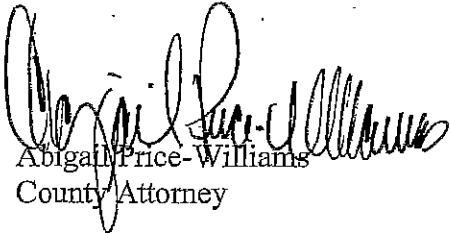
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MEMORANDUM
(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

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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
- 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)(25)
11-7-17

RESOLUTION NO. _____

RESOLUTION OPPOSING HR 367, THE HEARING PROTECTION ACT OF 2017, OR SIMILAR LEGISLATION THAT WOULD REPEAL CURRENT FEDERAL REGULATIONS ON FIREARM SILENCERS

WHEREAS, a silencer, sometimes referred to as a suppressor, is a device attached to the muzzle of a firearm, resulting in the reduction of the sound of gunfire; and

WHEREAS, under current federal law, suppressors – along with grenades or rocket launchers, certain shotguns and machine guns – require federal registration, a special ownership license, and the assessment of a \$200 tax; and

WHEREAS, due to the rigorous approval process, authorization for the purchase and use of these devices often requires months; and

WHEREAS, the removal of these regulations would ease restrictions on the purchase of a silencer, permit more individuals to quickly and legally obtain silencers, and will likely result in difficulties identifying the location of a shooter during a mass shooting or other shooting; and

WHEREAS, for example, the use of a gun silencer during the October 1, 2017 mass shooting from the 32nd floor of a Las Vegas hotel into a crowd of concertgoers would have likely made it more challenging for law enforcement to locate the source of gunfire; and

WHEREAS, although gun silencers do not completely remove the sound of gunfire, gun crimes, such as the Las Vegas mass shooting, often occur in busy, noisy urban areas; thus, a gunshot masked by a silencer would be likely inaudible in a city; and

WHEREAS, nonetheless, on January 9, 2017, United States Representative Jeff Duncan (R – South Carolina) introduced HR 367, the Hearing Protection Act of 2017, for consideration during the 115th United States Congress; and

WHEREAS, HR 367 would:

- a. remove the current registration and special license requirements for silencers and treat any person who acquires or possesses a firearm silencer as meeting any registration or licensing requirements of the National Firearms Act with respect to such silencer;
- b. eliminate the \$200 tax on firearm silencers; and
- c. refund the \$200 tax to any person who pays such tax on a silencer after October 22, 2015; and

WHEREAS, proponents of HR 367 allege that the legislation would assist hunters and target shooters in limiting potential hearing loss from gunfire; and

WHEREAS, there are other methods and means of protecting one's hearing while using a firearm, such as the use of ear plugs and earmuffs; and

WHEREAS, considering the great danger that may result if current regulations on gun silencers are removed, this Board opposes HR 367,

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

Section 1. Opposes HR 367, the Hearing Protection Act of 2017, or similar legislation that would repeal current federal regulations on firearm silencers.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to United States Representative Jeff Duncan and the Members of the Florida Congressional Delegation.

Section 3. Directs the County's federal lobbyists to oppose the passage of the legislation in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2018 Federal Legislative Package when it is presented to the Board.

The Co-Prime Sponsors of the foregoing resolution are Vice Chairwoman Audrey M. Edmonson, Commissioner Sally A. Heyman, Commissioner Dennis C. Moss and 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:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of November, 2017. 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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