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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**



MEMORANDUM

Agenda Item No. 11(A)(13)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: February 17, 2009

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

SUBJECT: Resolution urging the U.S. Congress and the Florida Legislature to pass legislation requiring all gun sales regardless of venue or type to be registered with law enforcement within 14 days of purchase, requiring firearm owners to report lost or stolen firearms to law enforcement & creating a firearms registration system and database available only to law enforcement

Resolution No. R-128-09

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan, and Co-Sponsors Commissioner Sally A. Heyman and Commissioner Dorrin D. Rolle.

A handwritten signature in black ink, appearing to read "RAC Jr", written over a horizontal line.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

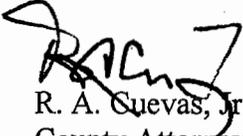


MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: February 17, 2009

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

SUBJECT: Agenda Item No. 11(A)(13)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Mayor's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(13)
2-17-09

RESOLUTION NO. R-128-09

RESOLUTION URGING THE U.S. CONGRESS AND THE FLORIDA LEGISLATURE TO PASS LEGISLATION REQUIRING ALL GUN SALES REGARDLESS OF VENUE OR TYPE TO BE REGISTERED WITH LAW ENFORCEMENT WITHIN 14 DAYS OF PURCHASE, REQUIRING FIREARM OWNERS TO REPORT LOST OR STOLEN FIREARMS TO LAW ENFORCEMENT & CREATING A FIREARMS REGISTRATION SYSTEM AND DATABASE AVAILABLE ONLY TO LAW ENFORCEMENT

WHEREAS, on Friday, January 23, 2009, a gunman unexpectedly opened fire on a crowd of about 50 people who had gathered at the corner of NW 71st Street and 15th Avenue; and

WHEREAS, nine people were wounded, including two that were tragically killed, in what police called one of the largest mass shootings in Miami history; and

WHEREAS, the two people killed were both teenagers, Brandon T. Mills, age 16, and Derrick "Termite" Gloster, age 18; and

WHEREAS, the incident followed the September 13, 2007 tragic shooting of four Miami-Dade Police Officers, including the death of one such officer, Officer Jose Somohano, all arising out of a traffic stop in south Miami-Dade County; and

WHEREAS, in 2007 there were 16 deaths in Miami-Dade with the use of assault weapons, and in 2008 there were 15 such deaths, according to the Miami-Dade Police Department; and

WHEREAS, these incidents and statistics indicate that guns are too easy to access, that too many guns are on the streets of our community, and that there is a need to better track who possesses firearms in our community; and

WHEREAS, Florida law currently does not require that gun owners register their firearms, which means that law enforcement does not know how many guns are in the state or where they are; and

WHEREAS, the lack of registration data makes it more difficult for police to trace guns used in crime, identify illegal gun traffickers or hold gun owners accountable for their weapons; and

WHEREAS, the lack of registration data means that there is no system in Florida to identify and disarm felons and other prohibited people who bought guns legally in the past, but later committed a crime or otherwise became ineligible to keep possession of their firearms; and

WHEREAS, Florida law also does not require firearm owners to report lost or stolen firearms to law enforcement; and

WHEREAS, requiring firearm owners to report lost or stolen firearms to law enforcement would help to keep illegal guns off the streets by removing the excuse used by gun traffickers that "lose" their firearms,

WHEREAS, during the 2004 session, the Florida Legislature passed HB 155, Chapter No. 2004-59, Laws of Florida, which prohibited any state, regional, or local governmental entity, any private entity or any person from keeping any list, record, or registry of privately-owned firearms or any list, record, or registry of the owners of such firearms, with certain narrow exceptions; and

WHEREAS, HB 155 provided that a violation of the prohibition on firearms registries is a third degree felony, punishable by up to five years in prison and by a fine of up to \$5 million; and

WHEREAS, HB 155 further provided that any list, record, or registry maintained or under construction on the effective date of HB 155 in 2004 was to be destroyed within 60 calendar days after HB 155's effective date, unless prohibited by law, and made failure to destroy any such list a prosecutable offense under HB 155; and

WHEREAS, Florida law currently makes legislative findings that a firearms registry is *not* a law enforcement tool; and

WHEREAS, a national or state firearms registration system and database that is shared with state and local law enforcement could assist law enforcement officers in criminal investigations; and

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

Section 1. Urges the U.S. Congress and the Florida Legislature to pass legislation requiring all gun sales regardless of venue or type to be registered with law enforcement within 14 days of purchase in addition to any other more restrictive existing requirements; requiring firearm owners to report lost or stolen firearms to law enforcement; and creating a federal or state firearms registration system and database available only to law enforcement.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Florida Congressional Delegation, 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 that the 2009 Federal and State Legislative Packages be amended to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan and the Co-Sponsor are Commissioner Sally A. Heyman and Commissioner Dorrin D. Rolle. It was offered by Commissioner Barbara J. Jordan, who moved its adoption. The motion was seconded by Commissioner Dennis C. Moss and upon being put to a vote, the vote was as follows:

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|----------------------|---------------------------------|--------------------|--------|
| | Dennis C. Moss, Chairman | aye | |
| | Jose "Pepe" Diaz, Vice-Chairman | nay | |
| Bruno A. Barreiro | aye | Audrey M. Edmonson | aye |
| Carlos A. Gimenez | aye | Sally A. Heyman | aye |
| Barbara J. Jordan | aye | Joe A. Martinez | absent |
| Dorrin D. Rolle | aye | Natacha Seijas | aye |
| Katy Sorenson | aye | Rebeca Sosa | aye |
| Sen. Javier D. Souto | aye | | |

The Chairman thereupon declared the resolution duly passed and adopted this 17th day of February, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: Kay Sullivan
Deputy Clerk



Approved by County Attorney
to form and legal sufficiency.

JMM
Jess M. McCarty

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