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

MEMORANDUM

Agenda Item No. 11(A)(6)

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

DATE: July 19, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the United States Congress to reinstate the federal assault weapons ban;— urging the Florida Legislature to impose a state assault weapons ban; 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

Resolution No. R-721-16

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

Abigail Price-Williams
County Attorney

APW/smm

MEMORANDUM

(Revised)

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

DATE: July 19, 2016

FROM: Abigail Price-Williams
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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)
7-19-16

RESOLUTION NO. R-721-16

RESOLUTION URGING THE UNITED STATES CONGRESS TO REINSTATE THE FEDERAL ASSAULT WEAPONS BAN; URGING THE FLORIDA LEGISLATURE TO IMPOSE A STATE ASSAULT WEAPONS BAN; 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, mass shootings with assault weapons continue to plague the American people; and

WHEREAS, on June 12, 2016, a man carrying an assault-style rifle and handgun killed 49 people and injured 53 others in a nightclub in Orlando, Florida, making it the worst mass shooting in United States history; and

WHEREAS, on December 2, 2015, a husband and wife carrying assault rifles and handguns opened fire on a holiday banquet of government employees, killing 14 people and wounding more than 20 others in San Bernardino, California; and

WHEREAS, in July 2015, a gunman armed with a .40 caliber Hi-Point semiautomatic weapon opened fire in a movie theatre in Lafayette, Louisiana; and

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, such shootings occur in Miami-Dade County as well; 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 armed with an assault weapon 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, in September 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 or 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 at a rate of 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 the United States 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 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, the federal ban restricted the sale, manufacture, transfer, and possession of semi-automatic assault weapons except for those already in lawful possession at the time of the law's enactment and those made for, transferred to, or owned by the federal, state or local government for purposes of law enforcement; and

WHEREAS, various studies indicate that the ban significantly reduced the use of assault weapons in crimes; and

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

WHEREAS, since the expiration of the assault weapons ban in 2004, there has been an escalation of assault weapons in Miami-Dade County as the weapons of choice for gang members, drug dealers and other dangerous criminals; and

WHEREAS, although there is no federal law banning assault weapons, the District of Columbia, California, Connecticut, Hawaii, Maryland, Massachusetts, New Jersey and New York have all passed laws banning assault weapons; and

WHEREAS, on June 20, 2016, the United States Supreme Court declined to consider a challenge to the New York and Connecticut assault weapons bans, effectively upholding the state bans; and

WHEREAS, some local governments throughout the country have also banned assault weapons in their jurisdictions; and

WHEREAS, on December 7, 2015, the United States Supreme Court decided not to hear a challenge to a local law banning semi-automatic assault weapons and large-capacity magazines in the Chicago suburb of Highland Park, Illinois, which effectively upheld the lower court's decision allowing the local ban on these weapons; and

WHEREAS, this Board finds it in the best interest of this community's safety to impose a 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 the United States 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 lobbyists to advocate for the legislation in Section 1 above, and the County's state lobbyists to advocate for the passage of legislation in Section 2 or 3 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2017 Federal and State Legislative Packages when they are presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Jean Monestime** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman **aye**
Esteban L. Bovo, Jr., Vice Chairman **nay**

Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**nay**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**absent**
Dennis C. Moss	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**nay**	Xavier L. Suarez	**aye**
Juan C. Zapata	**nay**		

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of July, 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: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. APP

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