**RESOLUTION 2018-_____**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REAFFIRMING RESOLUTION NO. 2016-29482, IN LIGHT OF THE RECENT MASS SHOOTING ON FEBRUARY 14, 2018, AT MARJORY STONEMAN DOUGLAS HIGH SCHOOL IN PARKLAND, FLORIDA, AND URGING FEDERAL AND STATE ELECTED OFFICIALS TO RESTRICT THE AVAILABILITY AND USE OF MILITARY-GRADE AND/OR HIGH-CAPACITY MAGAZINE ASSAULT WEAPONS TO LAW ENFORCEMENT AGENCIES.**

**WHEREAS**, on February 14, 2018, a horrific mass shooting at Marjory Stoneman Douglas High School in Parkland, Florida, claimed the lives of 17 people, including 14 high school students, and three members of the school's staff, including an assistant football coach, an athletic director, and a geography teacher; and

**WHEREAS**, like many other perpetrators of mass shootings in the United States, the Parkland shooter used an AR-15 style semi-automatic assault rifle; and

**WHEREAS**, on July 13, 2016, the Mayor and City Commission adopted Resolution No. 2016-29482 (attached hereto as Exhibit "A"), calling upon Federal and State elected officials to collaborate with local officials and first responders to prevent mass shootings and large-scale human loss of life and suffering from mass shootings in America, by limiting the availability and use of military-grade, high-capacity magazine assault weapons to law enforcement agencies; and

**WHEREAS**, in recent years, mass shootings involving military-grade and/or high-capacity magazine assault weapons have occurred with alarming regularity; and

**WHEREAS**, since the adoption of Resolution No. 2016-29482, the following mass shootings involving military-grade and/or high-capacity magazine assault weapons have occurred in the United States:

1. A mass shooting on October 1, 2017, at the Route 91 Harvest music festival in Las Vegas, Nevada, that left 58 dead and 422 injured;

2. A mass shooting on November 5, 2017, at the First Baptist Church in Sutherland Springs, Texas, that left 26 dead and 20 injured;

3. A mass shooting on February 14, 2018, at Marjory Stoneman Douglas High School in Parkland, Florida, that left 17 dead and 15 injured; and

**WHEREAS**, in light of the increasing frequency of mass shootings involving assault weapons, the Mayor and City Commission hereby urge the City's Federal and State elected officials to restrict the availability and use of military-grade and/or high-capacity magazine assault weapons to law enforcement agencies, in order to prevent the senseless violence and large-scale loss of life associated with the use of these weapons in mass shootings.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and the City Commission hereby reaffirm Resolution No. 2016-29482, in light of the recent mass shooting on February 14, 2018, at Marjory Stoneman Douglas High School in Parkland, Florida, and urge Federal and State elected officials to restrict the availability and use of military-grade and/or high-capacity magazine assault weapons to law enforcement agencies.

**PASSED** and **ADOPTED** this _____ day of _____, 2018.

ATTEST:

_____
Rafael Granado
City Clerk

_____
Dan Gelber
Mayor

(Sponsored by Commissioner Micky Steinberg)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 2-26-18 Date

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**RESOLUTION NO. 2016-29482**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING UPON FEDERAL AND STATE-ELECTED OFFICIALS TO COLLABORATE WITH LOCAL OFFICIALS AND FIRST RESPONDERS TO PREVENT MASS SHOOTINGS AND LARGE-SCALE HUMAN LOSS OF LIFE AND SUFFERING FROM MASS SHOOTINGS IN AMERICA BY LIMITING THE AVAILABLITY AND USE OF MILITARY GRADE, HIGH CAPACITY MAGAZINE ASSAULT WEAPONS TO LAW ENFORCEMENT AGENCIES.**

**WHEREAS,** the confluence of the Internet, international and lone wolf domestic terrorism, underfunded community mental health programs, and easy access to military grade, high capacity magazine assault weapons has created circumstances which have led to an unprecedented number of mass shootings in communities in this state and around the country in recent years; and

**WHEREAS,** in recent years, mass shootings involving military grade-high capacity magazine assault weapons have occurred with alarming regularity; and

**WHEREAS,** such shooting have taken place at Columbine High School in Littleton, Colorado (13 dead), at Sandy Hook Elementary in Monroe, Connecticut (27 dead), at the Century 16 Movie Theater in Aurora, Colorado (12 dead), at a retirement party in a social services office in San Bernardino, California (14 dead), and most recently at the Pulse Nightclub in Orlando, Florida (49 dead), resulting in the tragic death and maiming of large numbers of innocent citizens at great pain and costs to their families and their communities; and

**WHEREAS,** the military scaled weaponry used in these and similar mass shootings exceeds the weaponry generally available to local law enforcement officers, which puts those officers, together with their communities and safe gathering places where community life is enjoyed, in great and unnecessary peril; and

**WHEREAS,** military grade-high capacity magazine assault weapons and the grave hazard they present to communities and innocent citizens have no valid role to serve in community and civilian life and are even disavowed by most reputable pro-hunting organizations; and

**WHEREAS,** as indicated through national surveys, a majority of the American public, including legal gun owners, support extensive background checks for gun ownership and limiting the availability and use of military grade, high capacity magazine assault weapons to bona-fide and highly trained law enforcement agencies; and

**WHEREAS,** the United States Senate, following the tragedy at Pulse Nightclub in Orlando, Florida voted on, but was unable to pass, a proposal to update the background check system for gun purchases, which would have required states to add more information on mental health records to a national database, and which also included a provision to alert law

enforcement agencies when an individual who was on a government terror watch list in the last five years buys a gun; and

**WHEREAS,** the United States Senate, following the tragedy at Pulse Nightclub in Orlando, Florida voted on, but was unable to pass, a proposal to expand the background check system for those buying guns to require checks at gun shows and for online purchases; and

**WHEREAS,** the United States Senate, following the tragedy at Pulse Nightclub in Orlando, Florida voted on, but was unable to pass, a proposal to delay gun sales to individuals included on a government terror watch list, and which also would allow a judge to permanently block a purchase if the court determined with probable cause that the individual is involved in terrorist activity; and

**WHEREAS,** the United States Senate, following the tragedy at Pulse Nightclub in Orlando, Florida voted on, but was unable to pass, a proposal that sought to bar all gun sales to those individuals on the terror watch list.

**WHEREAS,** gun violence is a pervasive, national problem that is exacerbated by the availability of semi- automatic assault weapons at gun shows, flea markets, and other organized events; and

**WHEREAS,** the drafters of the Second Amendment to the United States Constitution never envisioned automatic or semi-automatic weapons when the right to bear arms was first conceived; and

**WHEREAS,** one of the principal goals of the United States Constitution, as set forth in its preamble, is "to insure domestic tranquility"; and

**WHEREAS,** the proliferation of automatic and semi- automatic weapons, as well as high capacity ammunition devices and magazines, presents a growing problem to law enforcement and to this nation' s domestic tranquility; and

**WHEREAS,** over 5,000 gun shows are held annually across the United States, attracting thousands of attendees per show and hundreds of Federal firearms licensees and non-licensed vendors; and

**WHEREAS,** gun shows, as well as flea markets and other organized events at which a large number of firearms are offered for sale by federal firearms licensees and non-licensed vendors, form a significant part of the national firearms market; and

**WHEREAS,** at gun shows, flea markets, and other organized events at which guns are exhibited or offered for sale or exchange, criminals and others prohibited from owning firearms obtain guns without background checks and frequently use guns, whose ownership cannot be traced, to later commit crimes; and

**WHEREAS,** the Florida and United States legislatures have the authority to require, by statute, that any non-licensed vendors be required to conduct the same background check of the purchaser as currently required for licensed vendors; and

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the City:**

**Section 1:** Calls upon our elected Federal and State Legislative and Executive officials to support safe communities and heed the requests of our City to enhance the safety of our community and our many gathering places by supporting the desires of a majority of the American public to strictly limit the availability and use of military grade-high capacity assault weapons to bona fide law enforcement agencies and to do so with the sense of urgency and commitment which is warranted in the face of the ongoing, tragic, and unnecessary loss of life triggered by mass shootings with high powered, military grade, high capacity magazine assault weapons; and

**Section 2:** Urges the U.S. Congress to reinstate the federal assault weapons ban; and

**Section 3:** Urges the Florida Legislature to instate a state ban on assault weapons; and

**Section 4:** Alternatively, urges the Florida Legislature to lift the preemption presently in place in order to allow local governments to impose an assault weapons ban; and

**Section 5:** Directs the City's federal and state lobbyists to lobby for the passage of legislation that imposes an assault weapons ban or, alternatively, allows local governments to impose an assault weapons ban and strengthens the regulations and penalties regarding assault weapons.

**Section 6:** Directs the City Manager's office to trdnsm.it a copy of this resolution to our state and federal elected officials, and national, state and local municipal and public safety organizations interested in promoting safe community life and preventing mass shootings in American communities, and media outlets who have been reporting on this issue.

**PASSED** and **ADOPTED** this 13th day of July, 2016.

Philip Levine, Mayor

**ATTEST:**

7/21/16

Rafael E. Granado, City Clerk

MIAMI BEACH INCORPORATED MARCH 26TH 1915

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APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney

7/6/16

Date