

AGENDA ITEM SUMMARY

Meeting Date: April 2, 2013

[]

Consent

[X]

Regular

11

Public Hearing

Department:

Legislative Affairs

Submitted By:

Legislative Affairs

Submitted For:

Legislative Affairs

I. EXECUTIVE BRIEF

Motion and Title: **Staff requests Board direction** on a resolution of the Board of County Commissioners of Palm Beach County, Florida, requesting the Legislature to support House Bill 97 by Representative Bobby Powell relating to Concealed Weapons and Firearms.

Summary: The County had four ordinances and two resolutions related to gun control that had to be repealed due to the enactment of Chapter 2011-109 Laws of Florida. The County concurs with the position of the Florida Association of Counties on Home Rule that a local government is often best able to enact local rules and ordinances to protect the safety of its residents and visitors.

House Bill 97 by Representative Bobby Powell would allow the restoration of some home rule authority by allowing the Legislature to create an exception to the preemption of the regulation of firearms to allow a state agency or local government to prohibit the possession of a concealed firearm and ammunition at specified publicly sanctioned or sponsored events conducted in public buildings or at government-sponsored outdoor public venues. Countywide (DW)

Background and Policy Issues: During the 2011 Legislative Session, the Florida Legislature passed into law Chapter 2011-109 Laws of Florida, which amends Florida Statute, Section 790.33. Prior to the passage of this legislation, Counties were prohibited from passing ordinances related to firearms with the exception of requiring criminal background checks and enacting waiting periods prior to the purchase and delivery of a handgun. However, despite this preemption, local governments continued
(continued on Page 3)

Attachments:

- ## 1. Resolution

Recommended by:

Department Director

Date _____

Approved By:

County Administration

Date _____

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact: N/A

Fiscal Years	20 <u>13</u>	20 <u>14</u>	20 <u>15</u>	20 <u>16</u>	20 <u>17</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>*-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
No. ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included In Current Budget? Yes _____ No _____
 Budget Account No.: Fund _____ Department _____ Unit _____
 Object _____ Reporting Category _____


B. Recommended Sources of Funds/Summary of Fiscal Impact: N/A

* There is no fiscal impact associated with this item.

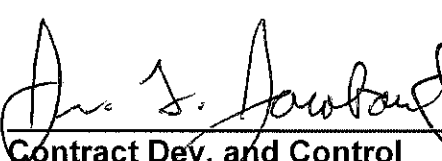
C. Departmental Fiscal Review:

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:




 OFMB
 3/28/2013
 3/21/13 3/21/13



 Contract Dev. and Control
 3-20-13 BLOHESKE

B. Legal Sufficiency:



 Assistant County Attorney
 3/27/13

C. Other Department Review:

 Department Director

REVISED 9/03

ADM FORM 01

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

to pass ordinances related to firearms in violation of Florida Statute Section 790.33. With the enactment of Chapter 2011-109, Laws of Florida, stiff penalties were put in place to discourage violations of this preemption. Furthermore, Chapter 2011-109, Laws of Florida reiterates the preemption by the Legislature to allow only the Legislature to regulate the whole field of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town or municipal ordinances or any administrative regulations or rules adopted by local or state governments. Counties still have the authority, pursuant to Art. VIII, Section 5(b) of the Florida Constitution, to require a criminal history records check and a 3 to 5-day waiting period in connection with the sale of any firearm occurring within such county.

With the passage of House Bill 97, local governments would have some home rule authority restored by allowing those governments to regulate concealed weapons and ammunition at public buildings and government sponsored outdoor public venues under the jurisdiction of the regulating entity.

Resolution No. 2013-_____

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
PALM BEACH COUNTY, FLORIDA, REQUESTING THE LEGISLATURE
TO SUPPORT HOUSE BILL 97 BY REPRESENTATIVE BOBBY POWELL
RELATING TO CONCEALED WEAPONS AND FIREARMS.**

WHEREAS, Palm Beach County, Florida firmly believes in the position of the Florida Association of Counties related to Home Rule, which reads:

County officials are dedicated to the preservation of democratic principles, specifically that the government closest to the people is the appropriate authority to serve the needs and requirements of the community. Home rule is the right of the people to determine and implement a public purpose at the grassroots level. Home rule power is conferred to Florida counties by Article VIII, Sections 1(f) and 1(g) of the Florida Constitution (1968), and by Section 125.01, Florida Statutes. The preservation of this fundamental democratic concept is essential to the operation of county governments in Florida. Accordingly, the Florida Association of Counties is dedicated to maintaining the integrity of county home rule power, both administrative and fiscal, which allows counties to develop and implement community-based solutions to local problems.

; and

WHEREAS, the enactment of Chapter 2011-109 Laws of Florida, which amends Florida Statute, section 790.33, clearly infringes upon the Home Rule authority of counties in Florida; and

WHEREAS, Palm Beach County had four ordinances and two resolutions related to firearms and ammunition that were passed for the good of local safety that had to be repealed due to the enactment of Chapter 2011-109 Laws of Florida; and

WHEREAS, local governments should be able to pass rules and laws to meet the specific needs of its community without interference from the Legislature, specifically when related to matters concerning public safety; and

WHEREAS, Representative Bobby Powell of the 88th District of the Florida House of Representatives has introduced House Bill 97 relating to Concealed Weapons and Firearms, which would allow local governments to regulate concealed firearms and ammunition at government sanctioned or sponsored public events conducted in public buildings or at government-sponsored outdoor public venues; and

WHEREAS, Senator Oscar Braynon of the 36th District of the Florida Senate has introduced Senate Bill 374, which is the companion bill to House Bill 97 and is identical in language; and

WHEREAS, passage of House Bill 97 would restore some home rule authority to local governments and allow local governments to determine the best public safety measures for its residents and visitors at government sanctioned or sponsored events conducted in public buildings or at government-sponsored outdoor public venues.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. Palm Beach County requests the Legislature of the State of Florida to support House Bill 97 by Representative Bobby Powell.
2. Palm Beach County encourages the Legislature of the State of Florida to support the Florida Association of Counties position on Home Rule to the extent allowable under the Florida Constitution and Florida Statute.
3. A copy of this resolution shall be forwarded to the Speaker of the Florida House of Representatives, the Chairman of the House Committee on Criminal Justice and its members, the President of the Florida Senate, the Chairman of the Senate Committee on

Criminal Justice and its members, and members of the Palm Beach County Legislative
Delegation.

The foregoing resolution 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:

Commissioner Steven L. Abrams, Mayor	-	_____
Commissioner Priscilla Taylor, Vice Mayor	-	_____
Commissioner Hal Valeche	-	_____
Commissioner Paulette Burdick	-	_____
Commissioner Shelley Vana	-	_____
Commissioner Mary Lou Berger	-	_____
Commissioner Jess Santamaria	-	_____

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of
_____, 2013.

Approved as to Form
And Legal Sufficiency

Palm Beach County, Florida by its
Board of County Commissioners

Sharon R. Bock, Clerk & Comptroller

By: _____
Assistant County Attorney

By: _____
Deputy Clerk