



BOARD OF COUNTY COMMISSIONERS

DATE: February 24, 2015

AGENDA ITEM NO. 12

Consent Agenda ☐

Regular Agenda ☒

Public Hearing ☐

 **County Administrator's Signature:**

Subject:

Adoption of a resolution supporting the elimination of the residential gun range loophole

Department:

County Administrator

Staff Member Responsible:

Mary Scott Hardwick, Intergovernmental Liaison

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) ADOPT THE ATTACHED RESOLUTION SUPPORTING THE ELIMINATION OF THE RESIDENTIAL GUN RANGE LOOPHOLE.

Summary Explanation/Background:

This resolution urges the Florida Legislature to close a loophole in current law that allows gun ranges to be built in densely populated residential neighborhoods. The resolution is a result of the direction of the Board at the February 10, 2015 meeting. The passage of this resolution would amend the Board's State Legislative Program, adopted on December 2, 2014, to include this issue on the list of priorities to be monitored by County staff and our state contract lobbying firm.

County staff and our state contract lobbying firms will closely monitor this issue and advocate on behalf of the Board as the legislative process progresses.

Fiscal Impact/Cost/Revenue Summary:

Not Applicable

Exhibits/Attachments Attached:

Resolution
House Bill 623

PSS

RESOLUTION 15-__

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
PINELLAS COUNTY, FLORIDA, SUPPORTING THE ELIMINATION OF
THE LOOPHOLE ON RESIDENTIAL GUN RANGES IN STATE LAW;
URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION
ELIMINATING THE LOOPHOLE

WHEREAS, the Pinellas County Commission is dedicated to ensuring the public safety of all of its citizens, especially the right of families to feel safe on their own property; and

WHEREAS, the Pinellas County Commission respects the Second Amendment rights of gun owners; and

WHEREAS, there needs to be a balance between the rights of gun owners and the public safety; and

WHEREAS, a gun range was recently constructed in a residential neighborhood in Pinellas County, in compliance with state law; and

WHEREAS, the gun range was located yards away from homes where children live and contiguous to other neighborhood homes; and

WHEREAS, the National Rifle Association's former president, Marion Hammer, has stated that shooting ranges do not belong in densely populated residential neighborhoods; and

WHEREAS, the current law allows a gun range to be built in any residential neighborhood as long as the shooter is not acting negligently or recklessly,

WHEREAS, the terms negligently or recklessly are not defined and deal with behavior while shooting not construction of gun ranges; and

WHEREAS, Pinellas County supports a clarification of the law and elimination of the loophole allowing these ranges to be built in densely populated residential neighborhoods.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, at a duly-assembled meeting held on the__ day of __, 2015, as follows:

Section 1. The Pinellas County Commission supports legislation, including HB 623 filed by Representative Rouson, to close the loophole allowing gun ranges in densely populated residential areas.

Section 2. A copy of this resolution will be sent to the Governor, Senate President, House Speaker, and the Members of the Pinellas County Legislative Delegation.


Section 3. This resolution serves as an amendment to the 2015 Pinellas County Legislative Program, adopted on December 2, 2014.

Commissioner _____ offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner _____, and upon roll call the vote was:

Ayes

Nayes

Absent not voting

APPROVED AS TO FORM
OFFICE OF THE CLERK


HB 623

2015

1 A bill to be entitled
2 An act relating to weapons or firearms; amending s.
3 790.15, F.S.; prohibiting any discharge of a firearm
4 on residential property, regardless of whether the
5 discharge occurs outdoors or in a reckless or
6 negligent manner; providing criminal penalties;
7 providing an effective date.

8

9 Be It Enacted by the Legislature of the State of Florida:

10

11 Section 1. Subsection (1) of section 790.15, Florida
12 Statutes, is amended to read:

13 790.15 Discharging firearm in public or on residential
14 property.—

15 (1) Except as provided in subsection (2) or subsection
16 (3), any person who knowingly discharges a firearm in any public
17 place or on the right-of-way of any paved public road, highway,
18 or street, who knowingly discharges any firearm over the right-
19 of-way of any paved public road, highway, or street or over any
20 occupied premises, or who ~~recklessly or negligently~~ discharges a
21 firearm ~~outdoors~~ on any property used primarily as the site of a
22 dwelling as defined in s. 776.013 or zoned exclusively for
23 residential use commits a misdemeanor of the first degree,
24 punishable as provided in s. 775.082 or s. 775.083. This section
25 does not apply to a person lawfully defending life or property
26 or performing official duties requiring the discharge of a

HB 623

2015

27 | firearm or to a person discharging a firearm on public roads or
28 | properties expressly approved for hunting by the Fish and
29 | Wildlife Conservation Commission or Florida Forest Service.
30 | Section 2. This act shall take effect October 1, 2015.