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

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

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

790.15 Discharging firearm in public or on residential property.—

(1) Except as provided in subsection (2) or subsection (3), any person who knowingly discharges a firearm in any public place or on the right-of-way of any paved public road, highway, or street, who knowingly discharges any firearm over the right-of-way of any paved public road, highway, or street or over any occupied premises, or who recklessly or negligently discharges a firearm outdoors on any property used primarily as the site of a dwelling as defined in s. 776.013 or zoned exclusively for residential use commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. This section does not apply to a person lawfully defending life or property or performing official duties requiring the discharge of a firearm.
firearm or to a person discharging a firearm on public roads or properties expressly approved for hunting by the Fish and Wildlife Conservation Commission or Florida Forest Service.

Section 2. This act shall take effect October 1, 2015.