MEMORANDUM

Agenda Item No. 11(A)(14)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	April 2, 2013
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution urging the Florida Legislature to enact legislation that imposes mandatory minimum terms of imprisonment to drivers who are found guilty of leaving the scene of a crash

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.

R. A. Cuevas, Jr.
County Attorney

RAC/lmp

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: April 2, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(14)

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**

_____ **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)(14)
4-2-13

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION THAT IMPOSES MANDATORY MINIMUM TERMS OF IMPRISONMENT TO DRIVERS WHO ARE FOUND GUILTY OF LEAVING THE SCENE OF A CRASH

WHEREAS, Florida Statutes section 316.027 imposes maximum terms of imprisonment to drivers who are found guilty of leaving the scene of a crash involving death or personal injury; and

WHEREAS, Florida Statutes section 316.027 does not impose mandatory minimum terms of imprisonment to drivers who are found guilty of leaving the scene of a crash involving death or personal injury; and

WHEREAS, many times drivers who are found guilty of leaving the scene of a crash involving death or personal injury are sentenced below the statutory maximum penalty; and

WHEREAS, in January 2013, Michele Traverso was sentenced to 364 days in prison and 2 years of community control for leaving the scene of a crash that killed cyclist Aaron Cohen and injured cyclist Enda Welsh; and

WHEREAS, in November 2012, Harvey Abraham was sentenced to 6 years imprisonment and 8 years probation for leaving the scene of a crash that killed 11-year-old Ashley Valdes; and

WHEREAS, the maximum sentence for leaving the scene of an accident resulting in death is 30 years; and

WHEREAS, Florida Highway Patrol reports that in 2012, nearly 20,000 incidents of drivers leaving the scene of a crash, out of Florida's total 69,994 incidents, occurred in Miami-Dade County and Broward County; and

WHEREAS, in 2012, Miami-Dade County had 12,813 incidents of drivers leaving the scene of a crash, the highest in the State of Florida; and

WHEREAS, in 2012, nearly 17,000 people were injured and 166 people were killed across Florida in incidents of drivers leaving the scene of a crash; and

WHEREAS, incidents of drivers leaving the scene of a crash tend to result in death or greater bodily injury; and

WHEREAS, incidents of drivers leaving the scene of a crash have resulted devastating consequences for the residents of Miami-Dade County and create immeasurable dangers for pedestrians and drivers alike; and

WHEREAS, this Board urges the Florida Legislature to take action regarding the dangers and alarming frequency of incidents of drivers leaving the scene of a crash across the State of Florida; and

WHEREAS, imposing mandatory minimum terms of imprisonment to drivers who are found guilty of leaving the scene of a crash may decrease the frequency of these incidents in Florida,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to enact legislation that:

1. Makes it a second degree felony, with a mandatory minimum term of imprisonment of 7 years, for a driver to leave the scene of a crash that resulted in the injury of any person;
2. Imposes a mandatory minimum term of imprisonment of 10 years to a driver that is found guilty of leaving the scene of a crash that resulted in the death of any person;
3. Imposes a mandatory minimum term of imprisonment of 10 years to a driver that is found guilty of leaving the scene of a crash, while under the influence, which resulted in the death of any person; and
4. Eliminates probation, as an alternative to imprisonment, for drivers that are found guilty of leaving the scene of a crash that resulted in personal injury or death.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Authorizes and directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to amend the 2013 State Legislative Package to include this item and to include this item in the 2014 State Legislative Package.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz. It 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:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata
Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of April, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

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

Annery Pulgar Alfonso