MEMORANDUM

Agenda Item No. 11(A)(1)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	**DATE:**	December 15, 2015
FROM:	Abigail Price-Williams County Attorney	**SUBJECT:**	Resolution urging the Florida Legislature to enact legislation that (1) creates a statewide emergency alert notification system, similar to the AMBER Alert and Silver Alert, for missing persons 18 years of age or older who are believed to be endangered and would not otherwise qualify for any other statewide emergency alert, and (2) tasks an agency with enforcing and ensuring that law enforcement agencies are complying with the requirements established in Chapter 937, Florida Statutes

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Vice Chairman Esteban L. Bovo, Jr. and Commissioner Rebeca Sosa.

Abigail Price-Williams
County Attorney

APW/cp

MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: December 15, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(1)

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**

_____ **Statement of social equity 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)(1)
12-15-15

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION THAT (1) CREATES A STATEWIDE EMERGENCY ALERT NOTIFICATION SYSTEM, SIMILAR TO THE AMBER ALERT AND SILVER ALERT, FOR MISSING PERSONS 18 YEARS OF AGE OR OLDER WHO ARE BELIEVED TO BE ENDANGERED AND WOULD NOT OTHERWISE QUALIFY FOR ANY OTHER STATEWIDE EMERGENCY ALERT, AND (2) TASKS AN AGENCY WITH ENFORCING AND ENSURING THAT LAW ENFORCEMENT AGENCIES ARE COMPLYING WITH THE REQUIREMENTS ESTABLISHED IN CHAPTER 937, FLORIDA STATUTES

WHEREAS, the Florida Missing Child Alert is a media-focused emergency broadcast program designed to engage the public in the search for a missing child when the child is believed to be in life-threatening danger, but there is no indication that the child has been abducted; and

WHEREAS, the America's Missing: Broadcast Emergency Response Alert ("AMBER Alert") is a partnership between law-enforcement agencies and local radio and television broadcasters to broadcast an emergency bulletin to the public when a child has been abducted and it is believed that the child is in danger of serious bodily harm or death; and

WHEREAS, a Missing Child Alert may evolve into an AMBER Alert if the law enforcement investigation later reveals an indication that the child has been abducted; and

WHEREAS, the statewide Silver Alert program is a similar emergency bulletin to the public when a person over the age of 60 goes missing, or when a person who is between the ages of 18 and 59 who suffers from an irreversible deterioration of intellectual faculties goes missing; and

WHEREAS, out of the 184 Florida AMBER Alerts issued between the time the program began and January of 2014, 55 children have been located as a direct result of the AMBER Alert; and

WHEREAS, out of the 162 Florida Silver Alerts issued in 2013, 98 of those cases were resolved, with 73 persons recovered as a direct result of the Florida Silver Alert; and

WHEREAS, the Missing Endangered Persons Information Clearinghouse ("MEPIC") is the central repository of information regarding missing endangered persons in Florida; and

WHEREAS, the MEPIC assists law enforcement agencies and Florida residents in finding missing persons by providing analytical services and engaging the public in the search; and

WHEREAS, the MEPIC has worked with partner agencies to develop the Florida AMBER Plan and Florida Silver Alert Plan and is responsible for issuing all Missing Child Alerts, AMBER Alerts, and Silver Alerts; and

WHEREAS, there are no programs similar to the AMBER Alerts or Silver Alerts that broadcast an emergency bulletin to the public when a non-cognitively impaired adult or an adult under the age of 60 goes missing and is believed to be in life-threatening danger; and

WHEREAS, Noemi Gonzalez, 54, went missing on February 12, 2014 from her North Miami home where she was last seen on the evening of February 11, 2014; and

WHEREAS, Noemi Gonzalez's son discovered that Ms. Gonzalez had gone missing when he awoke on February 12th and found that she was not in their home, her bed was unmade, her wallet and cell phone were in the house, and the front door of the home was unlocked; and

WHEREAS, Noemi Gonzalez remains missing; and

WHEREAS, Tanya Gonzalez, 28, was last seen on September 9, 2014, at a Miami shopping center; and

WHEREAS, after not reporting to work on September 10, 2014, the authorities were notified that Tanya Gonzalez had gone missing and that her family feared that her ex-boyfriend was involved in her disappearance since she had recently ended their volatile relationship; and

WHEREAS, Tanya Gonzalez's body, already in the state of decomposition, was found in the trunk of her car on September 16, 2014; and

WHEREAS, the car was discovered in a Miami neighborhood by a resident who recognized it from news reports and called police to report the car; and

WHEREAS, Noemi Gonzalez and Tanya Gonzalez did not qualify for an emergency bulletin under the existing programs when they went missing, yet law enforcement's efforts in searching for them would have been aided by such a bulletin; and

WHEREAS, the creation and implementation of a statewide emergency alert notification system that informs the public when an adult who would not otherwise qualify for a Silver Alert goes missing and is at risk of imminent bodily harm would provide residents and visitors with information that can help save the life of that missing person and help make our community safer; and

WHEREAS, section 937.021, Florida Statutes, requires that law enforcement agencies in this state adopt written policies that specify the procedures to be used to investigate reports of missing children and missing adults; and

WHEREAS, the policies must include:

- requirements for accepting missing child and missing adult reports;
- procedures for initiating, maintaining, closing, or referring a missing child or missing adult investigation; and
- standards for maintaining and clearing computer data of information concerning a missing child or missing adult which is stored in the Florida Crime Information Center and the National Crime Information Center. The standards must require, at a minimum, a monthly review of each case and a determination of whether the case should be maintained in the database; and

WHEREAS, section 937.021, Florida Statutes also requires that upon the filing of a credible police report that an adult is missing, the law enforcement agency receiving the report shall, within two hours after receipt of the report, transmit the report for inclusion within the Florida Crime Information Center and the National Crime Information Center databases; and

WHEREAS, enforcement of the requirements outlined in section 937.021, Florida Statutes, will result in more efficient missing persons investigations throughout the state,

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 creates a statewide emergency alert notification system, similar to the AMBER Alert and Silver Alert, for missing persons 18 years of age or older who are believed to be endangered and would not otherwise qualify for any other statewide emergency alert.

Section 2. Urges the Florida Legislature to enact legislation that tasks an agency with enforcing and ensuring that law enforcement agencies are complying with the requirements established in Chapter 937, Florida Statutes, with particular attention to the requirements of section 937.021, and creating enforcement mechanisms to ensure compliance.

Section 3. 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 4. Directs the County's state lobbyists to advocate for the actions set forth in Sections 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 State Legislative Package to include this item.

The Co-Prime Sponsors of the foregoing resolution are Vice Chairman Esteban L. Bovo, Jr., and Commissioner Rebeca Sosa. 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:

Jean Monestime, Chairman
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 15th day of December, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

Javier Zapata