

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HM 753 Silver Alert Grant Program

SPONSOR(S): Anderson and others

TIED BILLS: **IDEN./SIM. BILLS:** SM 1330

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Elder & Family Services Policy Committee		Schoonover	Ciccione
2)	Health & Family Services Policy Council			
3)	Rules & Calendar Council			
4)				
5)				

SUMMARY ANALYSIS

House Memorial 753 urges Congress to create a Silver Alert Grant Program to help establish and improve state-administered notification systems that assist in locating missing senior citizens and other individuals suffering from dementia-related disorders.

The memorial directs that copies of the memorial be dispatched to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

The memorial has no direct fiscal impact on state funds.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Background

Alzheimer's disease is the most common cause of dementia, or loss of mental function, among people age 65 and older.¹ Alzheimer's is a progressive, degenerative disorder and neither its cause nor its cure is known.² Individuals who suffer from this disease experience the gradual loss of memory and the ability to learn, reason, make judgments, and communicate.³ There are an estimated 5.2 million Americans—or, one in eight persons over age 65 -- living with Alzheimer's disease. This number is expected to grow to 16 million by 2050.⁴ According to the Alzheimer's Association, it is estimated there are over 450,000 cases of Alzheimer's disease in Florida.⁵

According to the national Alzheimer's Association research, six out of ten people with Alzheimer's disease wander from their homes or care-giving facilities. Approximately half of these individuals will suffer serious injury or death if they are not found within 24 hours. Ninety-five percent of those with Alzheimer's disease who wander are found within a quarter mile from their place of residence or last known location.⁶

Alzheimer's disease affects the individual and those around them. More than half of Alzheimer's patients live at home and rely primarily on family and friends for care.⁷ Caretakers experience various types of stress, and studies have shown that the average caregiver with a full-time job will miss up to three weeks of work per year, and one in five will quit their jobs to provide full-time care.⁸

¹ Alzheimer's Foundation of America, see <http://www.alzfdn.org/AboutAlzheimers/definition.html> (last visited March 4, 2009).

² Alzheimer's Foundation of America, see <http://www.alzfdn.org/AboutAlzheimers/definition.html> (last visited March 4, 2009).

³ Alzheimer's Foundation of America, see <http://www.alzfdn.org/AboutDementia/definition.html> (last visited March 4, 2009).

⁴ Alzheimer's Association, see http://www.alz.org/news_and_events_14004.asp (last visited March 6, 2009).

⁵ Alzheimer's Association Report, 2008 Alzheimer's Disease Facts and Figures, see http://www.alz.org/national/documents/report_alzfactsfigures2008.pdf (last visited March 9, 2009).

⁶ Alzheimer's Association, see http://www.alz.org/news_and_events_14004.asp (last visited March 6, 2009).

⁷ The American Geriatrics Society, see <http://www.americangeriatrics.org/education/forum/alzcare2.shtml> (last visited March 4, 2009).

⁸ Id.

Executive Order 08-211: Establishing Florida Silver Alert Plan⁹

On October 8, 2008, Governor Charlie Crist signed Executive Order Number 08-211 (“the order”), directing the Florida Department of Law Enforcement, in partnership with the Florida Department of Elder Affairs, the Florida Department of Transportation, the Florida Department of Highway Safety and Motor Vehicles, and local law enforcement agencies to establish and implement the Florida Silver Alert Plan.

The order encourages local law enforcement agencies to develop policies and procedures to broadcast information to the public and the media about a missing senior citizen whose disappearance poses a credible threat to the person’s welfare and safety.

In situations involving a vehicle, the order directs the Florida Department of Law Enforcement Missing Endangered Persons Information Clearinghouse to coordinate with the Florida Department of Transportation and the Florida Department of Highway Safety and Motor Vehicles to activate dynamic highway message signs and generate an immediate broadcast of critical information to the public about the endangered senior citizen.

The order also directs that the Florida Silver Alert Plan include procedures to monitor the use and activation of the system and its results. The order also stipulates that the Silver Alert Plan protect the privacy, dignity, independence, and autonomy of the subject of the alert, and encourages a strategy for the awareness and education of law enforcement, the media, and other stakeholders.

Florida Silver Alert Plan¹⁰

The standardized criteria for the Florida Silver Alert Plan are as follows:

- Missing person must be 60 years or older and there must be a clear indication that the individual has an irreversible deterioration of intellectual faculties (i.e., dementia). This must be verified by law enforcement or;
- Under extraordinary circumstances when a person age 18 to 59 has irreversible deterioration of intellectual faculties and law enforcement has determined the missing person lacks the capacity to consent and that the use of dynamic message signs may be the only possible way to rescue the missing person.

The primary criteria for FDOT/FHP/FDLE dynamic message sign activation, in which all criteria must be met, in addition to the above are:

- Local law enforcement has already activated a local or regional alert by contacting media outlet in theirs and/or surrounding jurisdictions;
- The law enforcement agency’s investigation must conclude that the disappearance poses a credible threat to the person’s welfare and safety;
- There must be a description of the vehicle, and a tag number to display on the Florida Department of Transportation dynamic message signs;
- Local law enforcement must verify vehicle and tag information;
- Local law enforcement agency must have entered the missing person into the Florida Crime Information Center and issued a statewide BOLO (“Be on the Look Out”) to other law enforcement/911 centers.

The activation process requires that the local law enforcement agency contact the Missing Endangered Persons Information Clearinghouse (MEPIC), to confirm that the case facts meet the criteria using a questionnaire specifically designed for the Silver Alert Plan activation.

⁹ State of Florida, Office of the Governor, Exec. Order No. 08-211 (Oct. 8, 2008).

¹⁰ Florida Department of Law Enforcement: Florida’s Silver Alert Plan Policy (2008).

House Resolution 632 by Congressman Doggett¹¹

The National Silver Alert Act of 2009 directs the United States Attorney General to establish a national communications network within the Department of Justice to assist regional and local search efforts for missing seniors in coordination with states, local governments, and law enforcement agencies. The act directs the Attorney General to designate a Department of Justice employee as the National Coordinator of the Silver Alert communications network, who will create voluntary guidelines for states to use in developing Silver Alert plans. The act authorizes a \$5 million annual appropriation from FY 2009 – FY 2013 to support grants to states to develop and enhance state programs and activities to support Silver Alert plans and the network. The act also authorizes \$5 million annually from FY 2009 – FY 2013 for the development and implementation of new technologies to improve Silver Alert communications.

On February 10, 2009, the United States House of Representatives favorably passed House Resolution 632. House Resolution 632 is currently in the Committee on the Judiciary of the United States Senate.

Proposed Changes

House Memorial 753 urges Congress to create a Silver Alert Grant Program to help establish and improve state-administered notification systems that assist in locating missing senior citizens and other individuals suffering from dementia-related disorders.

The memorial directs that copies of the memorial be dispatched to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

B. SECTION DIRECTORY:

Not Applicable.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

¹¹ H.R. Res. 632, 111 Cong. §1 (as passed by House, Feb. 10, 2009).

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to spend funds or take any action requiring the expenditure of funds; reduce the authority that municipalities or counties have to raise revenue in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES