

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
OF FLORIDA IN AND FOR THE COUNTY OF MIAMI-DADE

FINAL REPORT  
OF THE  
MIAMI-DADE COUNTY GRAND JURY

FALL TERM A.D. 2017

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**AS STORM CLOUDS GATHERED:  
THE PREPARATION FOR AND AFTERMATH OF HURRICANE IRMA**

**I. INTRODUCTION**

The Fall Term 2017 Grand Jury is releasing this report during Hurricane Season 2018, approximately one-and-a-half-months shy of the one year anniversary of Hurricane Irma making landfall in South Florida.<sup>1</sup> Based on information we received regarding the preparation for and the aftermath of Hurricane Irma's impact on South Florida, this Grand Jury decided to conduct an investigation of this topic. Our focus was two-fold: First, how well prepared were we before the hurricane struck? And second, how well did we respond to the situations that arose in the aftermath of the hurricane? Before we address these two issues, we find it necessary to first describe, in detail, the nature, scope and timing of information officials received regarding the size, strength and potential path of the approaching storm.

**II. THE APPROACHING STORM**

On the morning of August 30th, 2017, Hurricane Hunter aircraft from the National Oceanic and Atmospheric Association (NOAA) saw that the clouds in what was previously a tropical depression had formed a center of circulation over the western Caribbean Sea. The system, which had originated as a tropical wave over western Africa and then traveled just south of the Cape Verde Islands, now had maximum sustained winds of 50 miles per hour, and was named Tropical Storm Irma.<sup>2</sup>

Irma intensified in windspeed rapidly. The first advisory issued by the National Hurricane Center for Tropical Storm Irma was issued at 11:00 A.M. on August 30th. By 5:00 P.M. the very next day, August 31st, Tropical Storm Irma was now Hurricane Irma, had maximum sustained winds of 115 miles per hour, and was moving in the general direction of South Florida.<sup>3</sup> Over the next several days, from Thursday, August 31st through 2:00 P.M. on Monday, September 4th, the

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<sup>1</sup> Hurricane Irma made its first landfall on Cudjoe Key, Florida at 9:10 A.M. on Sunday, September 10, 2017.

<sup>2</sup> National Hurricane Center, NOAA, Tropical Storm Irma Advisory Number 1 Wednesday August 30, 2017 1100 AM AST; available at <https://www.nhc.noaa.gov/archive/2017/al11/al112017.public.001.shtml?>

<sup>3</sup> National Hurricane Center, NOAA, Hurricane Irma Advisory Number 6 Wednesday August 31, 2017 500 PM AST; available at <https://www.nhc.noaa.gov/archive/2017/al11/al112017.public.006.shtml?>

maximum sustained winds fluctuated from 100 to 120 miles per hour as Hurricane Irma continued to take aim toward South Florida.

On Monday, September 4th, Florida Governor Rick Scott issued Executive Order Number 17-235, which declared a state of emergency in every single county in the State of Florida. Executive Order Number 17-235 read in pertinent part as follows:

**WHEREAS**, as of 11:00 a.m. on Monday, September 4, 2017, Hurricane Irma is a major hurricane located approximately 560 miles east of the Leeward Islands with maximum sustained winds of 120 mph;

**WHEREAS**, the five-day forecast from the National Hurricane Center predicts that, on Saturday, September 9, 2017, Hurricane Irma will be a major hurricane located somewhere north of Cuba and south of Andros Island in the Bahamas;

**WHEREAS**, current forecast models predict that Hurricane Irma will head into the Straits of Florida as a major hurricane;

**WHEREAS**, current forecast models predict that Hurricane Irma will make landfall somewhere in South Florida or Southwestern Florida as a major hurricane;

**WHEREAS**, current forecast models predict that Hurricane Irma will travel up the entire spine of Florida;

**WHEREAS**, Hurricane Irma poses a severe threat to the entire State of Florida and requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of this State;<sup>4</sup>

At 5:00 P.M. on Monday, September 4th, Hurricane Irma had maximum sustained winds of 130 miles per hour.<sup>5</sup> South Florida, including Miami-Dade County, was in the cone of where Hurricane Irma was expected to hit within five (5) days. By 8:00 P.M. that same day, Irma's maximum sustained winds had increased to 140 miles per hour.<sup>6</sup> Early Tuesday morning, Hurricane Irma had maximum sustained winds of 150 miles per hour,<sup>7</sup> and then she exploded. By 11:00 A.M. on that same morning, Hurricane Irma had maximum sustained winds of 180 miles

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<sup>4</sup> State of Florida Office of the Governor Executive Order Number 17-235.

<sup>5</sup> National Hurricane Center, NOAA, Hurricane Irma Advisory Number 22 Monday September 4, 2017 500 PM AST; available at <https://www.nhc.noaa.gov/archive/2017/al11/al112017.public.022.shtml?>

<sup>6</sup> National Hurricane Center, NOAA, Hurricane Irma Intermediate Advisory Number 22A Monday September 4, 2017 800 PM AST; available at [https://www.nhc.noaa.gov/archive/2017/al11/al112017.public\\_a.022.shtml?](https://www.nhc.noaa.gov/archive/2017/al11/al112017.public_a.022.shtml?)

<sup>7</sup> National Hurricane Center, NOAA, Hurricane Irma Advisory Number 24 Tuesday September 5, 2017 500 AM AST; available at <https://www.nhc.noaa.gov/archive/2017/al11/al112017.public.024.shtml?>

per hour.<sup>8</sup> From that point through Thursday, September 7th, Hurricane Irma's maximum sustained winds never dropped below 180 miles per hour, and the powerful storm was moving toward us.

With twenty-four-hour news cycles and the pervasiveness of social media such as Facebook, Twitter, Instagram, and Snapchat, residents in South Florida and throughout the world were able to see in real time the complete devastation that Hurricane Irma was wreaking upon the Caribbean. Irma caused catastrophic damage in Barbuda, Saint Barthélemy, St. Martin, Anguilla, and the Virgin Islands, and left numerous dead in its path.

On Thursday, September 7th at 5:00 A.M., residents in South Florida woke up to learn that we were now in the cone of where Hurricane Irma was expected to hit within three (3) days. By 11:00 A.M. Thursday morning, Miami-Dade County was under a hurricane watch, which meant that hurricane force winds could be expected within 48 hours. By 11:00 P.M. that night, we were under a hurricane warning, which meant that within 36 hours, hurricane conditions were expected.

On September 4th, when Governor Scott declared a state of emergency for the entire state, the level of anxiety in South Florida, including in Miami-Dade County, was palpable. In the days that followed, it got worse. Preparations for what many anticipated to be complete devastation in South Florida were rapidly progressing. Emergency management personnel in other counties wished emergency management personnel in Miami-Dade County the best of luck, and said that they would be praying for them.

### **III. SNARLED TRAFFIC CONDITIONS ON MAJOR ROUTES NORTHBOUND**

Florida's resident population in 2017 was estimated at 20.98 million. In anticipation of Hurricane Irma's arrival, an estimated 6.5 million Floridians (almost one third of the state's population) were ordered to evacuate. The evacuation order was mostly for those living on barrier islands or in coastal areas, in mobile or sub-standard homes, and in low-lying or flood prone areas. Mandatory evacuations were ordered for portions of twenty-four (24) counties, including Broward and Miami-Dade County. All of Monroe County, where the Florida Keys are located, was placed

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<sup>8</sup> National Hurricane Center, NOAA, Hurricane Irma Advisory Number 26 Tuesday September 5, 2017 1100 AM AST; available at <https://www.nhc.noaa.gov/archive/2017/al11/al112017.public.026.shtml?>

under a mandatory evacuation order.<sup>9</sup> Residents in communities near the southern half of Lake Okeechobee were also ordered to leave. The mandatory evacuation issued in anticipation of Hurricane Irma was the largest evacuation in the history of the State of Florida.

Because it is generally rising water that causes death in a hurricane, barrier islands, coastal, low-lying, and flood prone areas are the most vulnerable to this most dangerous hurricane condition. Miami-Dade County has a very well-designed system of evacuation zones. Areas within Miami-Dade County that are the most vulnerable to rising water are categorized into one of five (5) different storm surge planning zones, categorized from “A” through “E.” In anticipation of Hurricane Irma, mandatory evacuation orders were given for zones “A” “B”, and “C.” These three zones include a cumulative total of over 600,000 county residents. The general idea that emergency management personnel and governmental representatives want to convey in these situations is that people should run from water, but hide from wind. This means that those in mandatory evacuation zones must evacuate in order to avoid potential rising water, as rising water can lead to a potential loss of life. On the other hand, while wind can cause significant structural damage, it is not usually the wind field which causes loss of life. For this reason, people in evacuation zones are told not to necessarily leave the State, or to even travel far, but to merely travel further west to a safer location within the county or an adjacent county, to avoid potential rising water. Emergency management personnel and governmental representatives encourage those residents of Miami-Dade County who are not in mandatory evacuation zones to “shelter in place” in a safe structure.

However, it appears that this message did not necessarily get conveyed to residents. Hundreds of thousands of residents, from Miami-Dade County and Monroe County, which was under a one hundred percent evacuation order, began to evacuate to points north. Evacuees caused significant traffic congestion on northbound Interstate 95, Interstate 75, and Florida's Turnpike. In the days before the storm made landfall, the entire peninsula of Florida was within the National Hurricane Center's forecast cone. The uncertainty as to where the storm was heading caused people to evacuate north from both coasts of Florida, as people on the east coast did not want to evacuate to the west coast, fearing that the storm could hit the west coast, whereas people on the west coast did not want to evacuate to the east coast, fearing that the storm could hit the east coast.

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<sup>9</sup> <https://www.flgov.com/2017/09/09/gov-scott-issues-updates-on-hurricane-irma-preparedness-10/>

As a result, everybody headed north, further exacerbating the traffic congestion which was rapidly building on all roads north.

Even if the message to shelter in place from wind was received by residents in Miami-Dade County, the fact that Hurricane Irma was so strong and large led many to believe that even if they had a relatively safe structure to stay in, their structures still would not be able to withstand the strength of this particular storm. They wanted to escape in advance of the total devastation that many believed Irma would wreak upon our community.

As a result of traffic congestion on northbound I-95, I-75, and the Florida Turnpike, traffic crawled to a standstill. Travel time from Miami to Orlando, normally no more than four (4) hours, was doubled to eight (8) hours. As a result, vehicles were running out of gas on the highways, which further exacerbated the situation. This South Florida traffic snafu became one of the first major crises that would be revealed in advance of Hurricane Irma's arrival. Surely, there was a more effective method of evacuating all of these residents.

As a Grand Jury, we were curious as to why the **southbound lanes** of major highways, such as I-95, I-75, and the Florida Turnpike were not utilized to accommodate the surge in vehicles travelling north, especially given the fact that not many vehicles were travelling southbound, into the danger zones. The notion of turning southbound roadways into northbound roadways is referred to as contraflow. We learned that while the concept of utilizing contraflow on major highways such as I-95 and I-75 may sound like a great idea on its face, it is actually fraught with problems, and not practical at all on major highways such as I-95 and I-75.

In order to implement contraflow, there would need to be numerous police personnel at every single exit and at every intersection on surface roads near the exits, as there would be complete confusion and the potential for numerous head-on collisions. Exit ramps on highways are not designed or configured to be entrance ramps. There are no road signs facing the opposite way. Additionally, the amount of manpower that would be required from law enforcement to accomplish this would be daunting, and would certainly take a significant toll on the availability of law enforcement to address other pressing issues which are present in the time leading up to a major hurricane. We do believe, however, that since there are not nearly as many exits on the Florida Turnpike, perhaps implementing the use of contraflow on the Florida Turnpike could be explored as a potential option should it be necessary in the future.

To help to alleviate the traffic congestion that we saw, this Grand Jury recommends that the option of implementing contraflow on the Florida Turnpike, so that southbound lanes could also be utilized to move traffic northbound, be explored in earnest. Additionally, because so many people tried to flee to the north once they heard that there were mandatory evacuation orders issued, we recommend that emergency management personnel and governmental representatives emphasize the fact that the real danger to life in a hurricane is not the wind, but the rising water on barrier islands or in coastal areas and in low-lying or flood prone areas, and that is why they issue mandatory evacuation orders. We also recommend that the public be told that when there is an evacuation order issued for those living on barrier islands or in coastal areas, in mobile or sub-standard homes, and in low-lying or flood prone areas, this does not mean that they have to leave the State, but that they would be safe by traveling only a few miles inland, to the home of a friend or family member.

#### **IV. FUEL SHORTAGES**

Fuel was in short supply throughout peninsular Florida during the week before Hurricane Irma's arrival. This was the case not just on evacuation routes, but also in neighborhoods throughout South Florida. As a result, there were long fuel lines at gas stations throughout South Florida, and many gas stations ran out of fuel several days before the storm. The increased need for fuel in advance of an approaching storm is extremely predictable, given the fact that everyone wants to fill up all of their cars with fuel. Some are filling up their vehicles because they are going to evacuate from South Florida. Those who are going to shelter in place fill up their vehicles before the storm arrives because they know that after the storm there will be significant power outages, and gas stations will not be able to pump gas. Additionally, residents prepare for the sustained loss of electrical power by filling up tanks with gas for use in emergency generators.

To avoid all of South Florida from becoming a fuel desert, this Grand Jury recommends that throughout hurricane season there be increased supplies of fuel readily available to be distributed to residents in South Florida.

#### **V. SHELTER FROM THE STORM**

In the days and hours leading up to a storm such as Hurricane Irma there is always a lot of important information for community leaders and emergency management personnel to convey to



the community. A significant portion of this information concerns not only the strength of the storm and its speed and direction of travel, but also what storm surge zones are under mandatory evacuation orders, and which evacuation shelters are open or will be opened. People who are ordered to flee from their homes for their own safety – and who have decided that they will utilize storm shelters – need to have specific directions as to where to safely respond.

As they are well constructed and safe, most of the buildings utilized as shelters in Miami-Dade County are public schools. In that regard, prior to the arrival of Hurricane Irma, the Red Cross had reached an agreement that it would accept responsibility for opening and staffing a total of eight (8) shelters in Miami-Dade County. The Red Cross was also committed to managing an additional 108 evacuation centers in other counties throughout the State of Florida.

With Hurricane Irma gaining strength as it approached, Miami-Dade County issued an evacuation order. The evacuation order in Miami-Dade County covered a cumulative total of over 600,000 residents, the largest ever in the history of Miami-Dade County. Once evacuation orders were given and Miami-Dade County told the Red Cross which shelters to staff, seven (7) of the eight (8) shelters were opened by the end of that same day, and the eighth was opened the next morning.<sup>10</sup> It became readily apparent that eight (8) shelters were going to be woefully insufficient. The Miami-Dade County Mayor then called for the opening of thirty-four additional shelters.

As Hurricane Irma was bearing down on South Florida, with the decision to open an additional thirty-four shelters, there initially seemed to have been some confusion as to which shelters were opened and which were not. Many people reported to evacuation shelters such as Robert Morgan Senior High School and South Dade High School, even though the activation of those schools as evacuation centers had not yet been approved by Miami-Dade County.<sup>11</sup> Hundreds of residents responded to and were settled in at one particular evacuation shelter, only to be told later that night that they all had to be transferred to another shelter, because the shelter they were in was actually in a flood zone.<sup>12</sup>

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<sup>10</sup> *Ibid.*

<sup>11</sup> Hurricane Irma Report & Recommendations, Daniella Levine Cava, Miami-Dade County Commissioner, District 8.

<sup>12</sup> <https://www.miamiherald.com/news/weather/hurricane/article172246967.html>

Further, deciding to change from opening eight (8) shelters to opening 42 shelters was somewhat problematic at the beginning. Officials initially blamed the American Red Cross. It was apparent to us that Miami-Dade County Public Schools Superintendent Alberto Carvalho and Miami-Dade County Mayor Carlos Gimenez had been given incorrect information. The media reported that Superintendent Carvalho said that the chaotic opening of the shelters was caused in part because the Red Cross did not show up to manage operations. In a press conference, Superintendent Carvalho stated that in some instances the Red Cross showed up at shelters late, and that in other instances they did not show up at all.<sup>13</sup> It would appear that the Superintendent was unaware that the American Red Cross had only committed to, and in fact, did open and staff a total of eight (8) shelters in Miami-Dade County. When the Red Cross ran out of volunteers in its efforts to open additional shelters, Mayor Gimenez sent Miami-Dade County Police to staff evacuation shelters.<sup>14</sup> Similarly, to respond to the crises and to assist in opening additional shelters, Superintendent Carvalho decided that the additional shelters would be opened by school personnel, led by principals, custodians, and cafeteria workers.<sup>15</sup>

As this was the largest evacuation in the history of Miami-Dade County, the County opened more shelters than it ever had before, a total of 42. This resulted in some scrambling to get them all staffed. As regards the American Red Cross, it is mostly comprised of volunteers, and while they did staff the eight (8) shelters that they had committed to, there is almost no way that they would ever be able to staff 42 shelters in Miami-Dade County, especially given the short notice, and the fact that they were also committed to staffing shelters in other counties throughout the State of Florida. While the Red Cross was committed to managing 116 evacuation centers across the State of Florida, they actually exceeded this number and managed 258 shelters. As it turned out, according to the Red Cross, at the last minute they agreed to open four (4) more shelters in Miami-Dade County, **and** they helped the County to operate seven (7) others.<sup>16</sup>

It appears that Miami-Dade County may not have initially been ready to open the additional three dozen or so shelters beyond those which the Red Cross had initially committed to staff. In a recent Miami Herald article, Mayor Gimenez recognized that Miami-Dade County did not have

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<sup>13</sup> <https://www.miamiherald.com/news/weather/hurricane/article172607326.html>

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

any issue with any of the shelters that the Red Cross operated, but that when the County wanted the three dozen or so more shelters to be opened, that is when things began to get complicated.<sup>17</sup> Ultimately, more than 31,000 people were safely sheltered in Miami-Dade County shelters, a record number.<sup>18</sup> As the Director of the Miami-Dade County Office of Emergency Management testified to us, “An evacuation shelter is meant to be a life boat, not a cruise ship.” Persons who decide to evacuate to an emergency shelter must understand that what is being provided is just that: shelter. Evacuees need to bring their own food, drinks, toiletries, and bedding.

Going forward, the American Red Cross will be focusing most of its hurricane efforts upon housing and feeding people who are displaced **after** a hurricane, whereas Miami-Dade County will be the primary entity responsible for staffing hurricane shelters before and during a storm. We were pleased to hear that Miami-Dade County will be responsible for staffing shelters in the future. Miami-Dade County has already trained approximately 2,000 County employees on how to open and run certain operations inside of an evacuation center, such as registering people, assigning sleeping areas, and giving out provisions.<sup>19</sup> While the American Red Cross will continue to help by supporting eight (8) designated shelters with their volunteers, all of the shelters in the County, including those eight (8) which the Red Cross will help to run, will be operated by County employees. The Red Cross will not be assuming management duties for those facilities.<sup>20</sup> Now there will be no question as to who is responsible for what.

We applaud Miami-Dade County for taking a proactive approach in training its employees in how to open and operate a hurricane evacuation center. We hope that this can serve as a model for governments throughout other storm prone communities. We also take this opportunity to recognize the Red Cross and its team of volunteers for the great work they do. We strongly recommend that people volunteer with agencies such as the American Red Cross in their own communities, so that people can directly participate in assisting their own communities, before, during, and after a storm. While the government can provide assistance, in order to be as resilient as possible, neighbors have to help each other out.

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<sup>17</sup> <https://www.miamiherald.com/news/local/community/miami-dade/article212488534.html>

<sup>18</sup> <https://www.usatoday.com/story/news/nation/2017/09/20/frustrations-boil-over-miami-following-hurricane-irma/685262001/>

<sup>19</sup> <https://www.miamiherald.com/news/local/community/miami-dade/article212488534.html>

<sup>20</sup> *Ibid.*

In that regard, the Federal Emergency Management Agency (FEMA) oversees and manages the Community Emergency Response Team (CERT) Program, which educates volunteers about disaster preparedness for the hazards that may impact their area, and trains them in basic disaster response skills, such as fire safety, light search and rescue, team organization, and disaster medical operations. CERT offers a consistent, nationwide approach to volunteer training and organization that professional responders can rely on during disaster situations, which allows them to focus on more complex tasks. Through CERT, the capabilities to prepare for, respond to, and recover from disasters is built and enhanced. The CERT Program was designed as a grassroots initiative and specifically structured so that the local and state program managers have the flexibility to form their programs in the way that best suits their communities. CERT volunteers are trained to respond safely, responsibly, and effectively to emergency situations.<sup>21</sup> We encourage as many people as possible to undergo CERT training and to volunteer in their communities. There are currently 6 CERT programs in Miami-Dade County.<sup>22</sup> We recommend that Miami-Dade County Public Schools conduct an outreach program to make the community aware of exactly what the CERT Program is and how one can sign up for it. For further information on the CERT Program, please see [https://community.fema.gov/Register/Register\\_Search\\_Programs](https://community.fema.gov/Register/Register_Search_Programs) .

## **VI. CONDITIONS AFTER THE STORM: THE ELDERLY AND INFIRM**

Hurricane Irma skirted along the northern coast of Cuba as it travelled in a west northwesterly track, and was expected to make a turn to the north and cross the Florida Straits to strike Florida. Miami-Dade County's fate lay in exactly when that turn was going to take place. To the good fortune of Miami-Dade County but the bad fortune of the Florida Keys, that turn was made later than anticipated, and Miami-Dade County was spared from what were anticipated to be catastrophic effects from Hurricane Irma. Hurricane Irma made it's first landfall in the United States in Cudjoe Key, Florida as a 130 mile per hour Category 3 Hurricane at 9:10 A.M. on Sunday,

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<sup>21</sup> <https://www.ready.gov/community-emergency-response-team>

<sup>22</sup> [https://community.fema.gov/Register/Register\\_Search\\_Programs](https://community.fema.gov/Register/Register_Search_Programs)

September 10th.<sup>23</sup> She caused utter devastation to portions of the Florida Keys, before making landfall in Marco Island at 3:35 P.M. as a Category 3 Hurricane with 115 mile-per-hour winds.<sup>24</sup>

The highest sustained winds in Miami-Dade County were tropical storm force winds of 58 – 73 miles per hour, with peak wind gusts of 80 – 95 miles per hour.<sup>25</sup> Even though Miami-Dade County was obviously spared the brunt of a direct hit or even a glancing blow from Hurricane Irma, there was still substantial physical damage to buildings and significant and long-term power outages throughout our community. We were all saddened to hear about the tragic deaths of fourteen (14) elderly residents at the Rehabilitation Center at Hollywood Hills in Broward County as a result of the sweltering heat that they were subjected to because of a loss of their air conditioning system due to the electrical outage caused by Hurricane Irma. We were shocked when we learned that these fourteen (14) lives were lost in the very shadow of Memorial Regional Hospital, which was right across the street from the rehabilitation center. We wanted to address this grave outcome so that it would never repeat itself.

We are keenly aware that on September 16th, 2017, soon after the storm, in response to what happened in the Hollywood nursing home, Governor Scott directed Florida Agency for Health Care Administration (AHCA) Secretary Justin Senior and Florida Department of Elder Affairs Secretary Jeffrey Bragg to issue emergency rules to keep residents safe in health care facilities during emergencies. The Governor issued a news release<sup>26</sup> declaring that within 60 days, all assisted living facilities (ALFs) and nursing homes were required to obtain a generator and the appropriate amount of fuel to sustain operations and maintain comfortable temperatures for at least 96 hours following a power outage.<sup>27</sup> The Agency for Health Care Administration and the Department of Elder Affairs promulgated and issued such orders, which mandated that all assisted living facilities and nursing homes acquire a sufficient generator or generators to ensure that the ambient temperature of all assisted living facilities and nursing homes would be maintained at or

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<sup>23</sup> National Weather Service, National Oceanic and Atmospheric Administration, Hurricane Irma Local Report/Summary for Miami – South Florida; available at <https://www.weather.gov/mfl/hurricaneirma>

<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*

<sup>26</sup> <https://www.flgov.com/2017/09/16/gov-scott-i-am-aggressively-fighting-to-keep-vulnerable-floridians-safe-during-emergencies/>

<sup>27</sup> Ironically, the Hollywood nursing home had a generator. However, the deaths occurred because the portable “chillers” that workers set up did not have enough cooling capacity, and actually made conditions worse, in that they were not properly ventilated, and pushed additional heat into a confined space.

below 80 degrees Fahrenheit within the facility for a minimum of 96 hours in the event of the loss of electrical power.<sup>28</sup>

We were also glad to learn that on March 26, 2018, Governor Scott signed into law Senate Bill 7028 and House Bill 7099, which made permanent the emergency rules requiring generators in every assisted living facility and nursing home.

While considering the fate of elderly and infirm residents living in assisted living facilities and nursing homes, we began to wonder how safe (or unsafe) were the elderly and infirm Floridians who do not live in an assisted living facility or a nursing home during the course of a hurricane or tropical storm. According to the United States Census Bureau, Florida has the largest percentage of residents age 65 and older in the nation. A significant number of those elderly or infirm residents do not reside in an assisted living facility or a nursing home, but are still vulnerable during an emergency situation such as a hurricane.

For instance, once the official storm had passed and the all clear was given by the authorities, caring individuals from the private sector began going out into their communities, finding their fellow citizens who were in need, and developing means to address those needs. We heard how many private citizens, including the President of the Hadley Park Homeowners' Association, responded to buildings where they believed that vulnerable individuals needed to be checked upon, in order to determine their physical condition and to assess their needs. We heard testimony about the conditions of the elderly residents at a couple of publicly funded housing properties, namely Edison Towers, located at 5821 N.W. 7th Avenue, and the Lemon City – Miami Public Housing Apartment, located at 150 N.E. 69th Street.

Edison Towers, located at 5821 N.W. 7th Avenue, in the City of Miami, is a 121-unit apartment building that was built in part with financing obtained through the Low Income Housing Tax Credit (LIHTC) Program. Edison Towers accepts Section 8 Housing Choice Vouchers. Edison Towers was built in 1986, and is an eight-story building with an elevator. It is a Miami-

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<sup>28</sup> The Agency for Health Care Administration's *Nursing Home Emergency Power Plan* (59AER17-1) is available at <https://www.flgov.com/wp-content/uploads/2017/09/AHCA916.pdf>. The Department of Elder Affairs' *Procedures Regarding Emergency Environmental Control for Assisted Living Facilities* (58AER17-1) is available at [https://www.flgov.com/wp-content/uploads/2017/09/EN\\_DEA.pdf](https://www.flgov.com/wp-content/uploads/2017/09/EN_DEA.pdf)

Dade County-funded property from the Miami-Dade County Public Housing and Community Development Department, and is geared specifically to the elderly.<sup>29</sup>

The Lemon City – Miami Public Housing Apartment, (hereinafter “Lemon City Apartment building”) located at 150 N.E. 69th Street, is a four-story apartment building. It is a public housing development under the Miami-Dade County Public Housing and Community Development Department. It was built in 1975, and consists of 100 units. Sixty-two of the units are efficiencies, and thirty-eight are one bedroom apartments. The building is an elderly approved facility, and the Leonard Batz Community Center is on site.<sup>30</sup>

Upon arrival at Edison Towers and the Lemon City Apartment building, the scene that was described to us was something out of a post-apocalyptic movie. Glass doors to the building were broken, and elderly residents were outside, aimlessly walking around, confused. Some were talking to themselves. The power to the buildings had been out for some period of time, and the interior temperatures were unbearably hot. Upon making contact with some of the residents, it was learned that although there were previously staff members on site, they had left, due to the fact that it was uncomfortably hot. As a result, there were no staff members present to assist the elderly residents.

There were immediate concerns about the elevator(s) not working due to the loss of power, and inquiry was made as to how many people were upstairs on the upper floors. Nobody knew the answer to this. Moreover, there was no master list readily available as to how many people living in the building decided to “shelter in place” during the storm. Due to the elevators not working, not only was it difficult to make contact with all of the residents on the upper floors to check on their well-being, once much needed ice and food was brought in, it was difficult to get the ice to residents on the upper floors. We heard how some private citizens, police, and fire rescue personnel pitched in and helped to carry provisions up and assisted other residents coming down.

During the extension of our term, we were glad to see that on June 5th, 2018, the Miami-Dade Board of County Commissioners unanimously passed Resolution Number R-617-18, the pertinent portions of which are attached as Exhibit A. The passing of this Resolution indicates the Board recognized many of the same issues that we did, as a result of our inquiry.

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<sup>29</sup> <https://affordablehousingonline.com/housing-search/Florida/Miami/Edison-Towers/10026116>

<sup>30</sup> [http://www.miamidade.gov/housing/property\\_profiles/virtual\\_tours/lemon\\_city/profile/profile.htm](http://www.miamidade.gov/housing/property_profiles/virtual_tours/lemon_city/profile/profile.htm)

The Resolution provides that henceforth, every single developer, borrower, or grantee who receives affordable housing program funds for the purpose of acquiring, constructing, or rehabilitating affordable housing for the elderly must provide a kitchen on the first, second, or third floor of the building that can be used to cook food for the residents after a natural disaster. There must also be a community room on the first, second, or third floor of the development that has air conditioning where residents can go after a natural disaster. There must be at least one generator to operate the lights, air conditioner, and other appliances in the community room and kitchen after a natural disaster and throughout the duration of a power outage. The generators must be maintained in good working order and will be inspected before and after a natural disaster. Either the kitchen or the community room must have water supplied to it by a pump that is connected to a generator during and after a natural disaster.

There must be at least one trained personnel on site at the affordable housing development during and after the storm. This person must have received disaster training based upon specified guidelines. There must also be at least one trained personnel or volunteer on-site at the development to provide assistance after a natural disaster. That individual may be a resident.

Each resident will be provided with working contact telephone numbers to call before, during, or after a natural disaster. The contact information must include at least one land line and one cellular telephone number. These numbers must be posted in common areas of the development, including but not limited to community rooms and management offices.

There must also be a list of community agencies furnished by the County that can provide services before and after a natural disaster. The list must be prominently posted in administrative offices and in the common areas of the development.

The Resolution further provides that henceforth, every single developer, borrower, or grantee who receives affordable housing program funds for the purpose of acquiring, constructing, or rehabilitating affordable housing for the elderly must have a natural disaster plan. That plan has to be in writing, and approved by the Mayor or his designee. The plan must be updated on an annual basis, and must be made available to residents and first responders. The natural disaster plan must include an evacuation plan for all residents, as well as a contingency plan in the event that the required generators are not operational during or after a natural disaster. The natural disaster plan must include steps to be taken to identify which residents evacuate and which



residents choose to remain in the development before and after a natural disaster. The plan must also include a refueling plan for the generators, as well as a communication plan between the developer, borrower, or grantee and their on-site personnel before, during, and after a natural disaster.

While the resolution is prospective, in that it applies to future developers, borrowers, or grantees who receive affordable housing program funds, it also urges developers, borrowers, or grantees who have **already received** affordable housing program funds to implement some or all of these requirements.

Accordingly, we recommend that other governmental entities which provide funding for affordable housing for the elderly adopt resolutions similar to that enacted by Miami-Dade County which will require that:

1. There must be a kitchen on the first, second, or third floor of the building that can be used to cook food for the residents after a natural disaster.
2. There must be a community room on the first, second, or third floor of the development that has air conditioning where residents can go after a natural disaster.
3. There must be at least one working generator of sufficient size to operate the lights, air conditioner, and other appliances in the community room and kitchen after a natural disaster and throughout the duration of a power outage.
4. The generators must be maintained in good working order and will be inspected before and after a natural disaster.
5. Either the kitchen or the community room must have water supplied to it by a pump that is connected to a generator during and after a natural disaster.
6. There must be at least one trained personnel on site at the senior citizen affordable housing development during and after the storm. This person must have received disaster training based upon specified guidelines.
7. There must also be at least one trained personnel or volunteer on-site at the development to provide assistance after a natural disaster. That individual may be a resident.

8. Each resident will be provided with working contact telephone numbers to call before, during, or after a natural disaster. The contact information must include at least one land line and one cellular telephone number. These numbers must be posted in common areas of the development, including but not limited to community rooms and management offices.
9. There must also be a list of community agencies furnished by the County that can provide services before and after a natural disaster. The list must be prominently posted in administrative offices and in the common areas of the development.
10. There must be a written natural disaster plan. The plan must be updated on an annual basis, and must be made available to residents and first responders. The natural disaster plan must include an evacuation plan for all residents, as well as a contingency plan in the event that the required generators are not operational during or after a natural disaster. The natural disaster plan must include steps to be taken to identify which residents evacuate and which residents choose to remain in the development before and after a natural disaster. The plan must also include a refueling plan for the generators, as well as a communication plan between the developer, borrower, or grantee and their on-site personnel before, during, and after a natural disaster.

In addition to the above recommendations, we further recommend that in any multi-unit dwelling place consisting of a specified number of units or more (we leave it to the legislative body, whether it is the Board of County Commissioners, a City or Town Commission, or the State Legislature, to determine the threshold number of units which should trigger this requirement, be it 10 units, 25 units, or any other number that they deem to be appropriate), there be an easily accessible list, located on the first floor close to the primary entrance point of the structure, of any and all individuals who reside in the structure. Ideally such list would be annotated with the general physical condition of the individual(s) in each unit. The list should be accessible to first responders. This should apply not only to any affordable housing development for the elderly, but also to any and all private apartments and condominiums in Miami-Dade County.

We urge the Florida Legislature to enact legislation that would mandate the enumerated recommendations above for the developers, borrowers or grantees who obtain taxpayer dollars for the acquisition, construction or rehabilitation of affordable housing for elderly residents.

## **VII. ACCESS TO FOOD, WATER, AND ICE AFTER THE STORM**

Media reported that 815,650 Florida Power and Light account holders in Miami-Dade County, or just under 80 percent, lost power from Hurricane Irma.<sup>31</sup> That meant no air conditioning, no refrigeration, and no ice. The high temperatures every day in Miami between Monday, September 11th and Thursday, September 21st were never below 90 degrees.<sup>32</sup> We heard testimony how many people in certain urban areas who have limited access to resources in the best of times were extremely effected by the loss of power.

In her document *Hurricane Irma Report & Recommendations*, Miami-Dade County Commissioner for District 8 Daniella Levine Cava expressed exactly what we heard and we wanted to say, when she stated the following:

“Even without the disruption of a hurricane, many families in Miami-Dade County are struggling to make ends meet. Six out of 10 residents in the County have a hard time paying for basic needs like food, housing, childcare, and healthcare, according to a 2017 study conducted by the United Way. The Asset Limited, Income Constrained, Employed (ALICE) Report details the economic realities facing families in our community. Of the County’s 858,000 families, 21% live below the poverty level and another 37% are struggling to make ends meet, according to the report.

Many people live paycheck to paycheck and we cannot forget that many others live day to day. Many in our community are dependent on the kinds of work that pay on an hourly or daily basis, and for many, their jobs blew away in the hurricane. Just at a time when our residents had to make unexpected purchases to prepare for the storm, they were losing out on their vital income. This includes daycare workers, restaurant workers, domestic workers, retail workers, and many part-time employees.

It was not anticipated that so many would not have adequate cash after the hurricane to purchase food or supplies, even those on public assistance, while phone and electricity were not functioning. Everyone in our community suffered, but for some, a lack of food was a temporary inconvenience that could be remedied with money and access to

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<sup>31</sup> <http://www.sun-sentinel.com/news/weather/hurricane/fl-bz-fpl-irma-power-outages-20170908-story.html>

<sup>32</sup> U.S. Department of Commerce, National Oceanic & Atmospheric Administration, Local Climatological Data Daily Summary for September 2017 at Station: MIAMI INTERNATIONAL AIRPORT, FL US 12839.

credit. For those that did not have resources, the shock of Hurricane Irma severely disrupted their lives and livelihoods.”<sup>33</sup>

With the loss of electrical power, many residents focused on how they would remain cool in the sweltering South Florida heat. While ice was distributed at certain locations, some of these locations were not necessarily close to the residents in our community who most needed it. People who do not have a car frequently have to walk to get around, especially when public transportation, which they otherwise may have been able to rely upon, is disrupted after a significant storm. It is impractical for someone to walk a long distance to a point of distribution in 93-degree heat to obtain a bag of ice. By the time he gets home, the ice will have melted.

We recognize that in the aftermath of a natural disaster, for most people, ice is not as important as water. While ice is **essential** to some residents to keep medications cold when there is no power, for the rest of us, ice is a luxury to which we have become accustomed. The fact is that water, as well as other beverages, can be consumed without ice. While we here in South Florida regularly drink water with ice in it, throughout Latin America and Europe ice is not served in drinks. Unlike water, ice is not a necessity.

The largest source of fresh water in South Florida are the faucets in people’s homes. Before Hurricane Irma everyone in South Florida was scrambling to buy bottled water, and all of the stores were running out of it. After the storm passed, all of the water coming out of everyone’s faucets in Miami-Dade County was safe to drink, except for residents of the City of North Miami. The City of North Miami asked its residents to boil their water after the storm due to water main breaks. Unless there is a boil water order, the water which comes out of people’s faucets is perfectly safe to drink.

Food became another precious commodity for a significant period of time after the storm. This was especially so for those who live hand to mouth and who had to spend whatever little extra money that they had preparing for the hurricane by buying items such as plywood, flashlights, and extra water. With a lengthy loss of power, it was not long before the food in people’s refrigerators began to spoil.

Community activists who were familiar with the residents and the various poverty pockets located throughout Miami-Dade County knew that there were many families in our community

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<sup>33</sup> *Hurricane Irma Report & Recommendations*, Daniella Levine Cava, Miami-Dade County Commissioner, District 8.

who live paycheck-to-paycheck. When a tropical storm or hurricane is approaching, many do not heed the advice to stock up on food and water to last for at least three days. They do not follow that hurricane preparation advice simply because they do not have the money to make those purchases. If the family is fortunate enough to receive food stamps, then presumably, there is food in the pantry and in the refrigerator at the time the hurricane strikes.

However, even this small sign of good fortune is lost if, as with Hurricane Irma, widespread power outages are left in the wake of the storm. The food in the refrigerator will eventually spoil, and absent available rainy-day funds, working parents do not have food for themselves or their children. Unfortunately, this scenario is also the lot for many of our seniors who are on fixed incomes and are living social security check-to-social security check. Many of those who suffered after Hurricane Irma lived in some of the impoverished neighborhoods in our community.

For instance, Miami-Dade County had a specific plan for the distribution of ice, water, and food to residents who lived in Liberty City, Little Haiti and Overtown. The plan was designed to ensure that these provisions would be available to those who were in need after the storm. As proposed, the plan provided that ice, water, and food were supposed to be taken to various predetermined points of distribution within the community, including Hadley Park. Utilizing multiple points of distribution would provide easier access for residents, and would also prevent long lines and long waiting periods.

However, the volunteer coordinators that we heard from told us that in fact, in the aftermath of the storm, the plan was not followed at all. Rather than these items being distributed at various distribution points within those communities as planned, for residents of those communities the ice and water were all delivered to Marlins Stadium. Not only was this location inconvenient for these residents who needed these provisions, changing the plan also caused confusion amongst the various volunteers, who had planned to help to distribute these provisions from the predetermined points of distribution. This also created logistical problems, in that the volunteers now had to travel with vehicles to Marlins Stadium to pick up supplies and then transfer them out into the local communities. They did not have refrigerated trucks with which to do so. There needs to be better coordination between the government and these entities, so that the efforts and resources of these volunteers could be effectively leveraged to best assist the community.

When community activists, volunteers and members of a community organization ventured out of their residences after the all clear was given, they encountered many residents whose plight was as described above. Many people were hungry and they didn't have the ability to get food for their families. A number of caring individuals from our community mobilized forces and developed a plan to get food and water to those in need. We heard from several of those individuals who described their efforts to tackle this post-hurricane disaster.

While government agencies did supply food to some people, we heard testimony of how many people in various neighborhoods, including Liberty City, were actually served food by various grassroots volunteer organizations, due to the fact that the government was not doing so. We heard testimony from the American Red Cross that any food that they serve has to meet certain sanitary requirements, and has to be heated to a certain temperature, and so as a result they are not able to mobilize as rapidly as some of the grassroots folks that we heard from who fed thousands of people by setting up pop-up barbecues of hamburgers and hot dogs throughout various neighborhoods.

At Robert King High Towers, a senior housing complex in Little Havana, many of the elderly residents had eaten very little for a few days after the storm.<sup>34</sup> Many elderly residents in senior housing such as this are particularly vulnerable, in that they live on fixed incomes, and some rely upon electrically powered medical devices such as oxygen machines, inhalers, and electric wheelchairs. Furthermore, many take medications, such as insulin, which must be kept refrigerated, a challenge when there is no electricity. Some had gone days without use of their oxygen machine or medication. County officials had tried to shelter those residents with chronic health conditions, but most chose not to leave.<sup>35</sup>

Grassroots organizations took a proactive role, not just after the storm, but also in preparation for it. They had identified pockets in the community where the need for assistance would be the greatest, and they took to social media to galvanize their volunteer base. They identified sources of supply for food, and were able to get them into the communities where they were most needed. We would like to acknowledge the importance of the work that the organizations do for the betterment of our community. We encourage the County to help to

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<sup>34</sup> <https://www.miamiherald.com/news/weather/hurricane/article173218921.html>

<sup>35</sup> *Ibid.*

identify sources of funding for some of these entities, which are made up of our neighbors and members of our houses of worship.

We recommend that Miami-Dade County and some of the cities in our county better coordinate and partner with the various faith based and grassroots community organizations such as Make the Homeless Smile, New Florida Majority, and others to do whatever it takes to make sure that vulnerable populations are provided with needed food, ice, and services after natural disasters. A comprehensive list of what are identified as particularly vulnerable pockets in our community must be maintained and updated on a constant basis, and residents in those pockets must be engaged not just when a storm approaches and everyone is scrambling to prepare, but should be engaged at the beginning of each hurricane season, so that a plan can be in place to get these necessary goods and services to those residents.

**VIII. WEST PARK, FLORIDA:**

**A SIMPLE SOLUTION TO CHECK ON THE STATUS OF MANY**

One of the major problems encountered by the volunteers working with grassroots organizations after the storm was trying to figure out who needed assistance. When it comes to checking on the physical condition of residents and rapidly being able to assess if they are in need of any assistance, the City of West Park, Florida, located in Broward County, has developed and utilized a simple solution. The City of West Park has a program wherein residents can sign up to receive a door hanger to place on their front door. It is similar to the "Do Not Disturb" hangers available in most hotel rooms. The concept is simple. One side of the placard is green and the other side is red. If everyone in the residence is safe and not in need of immediate assistance, the resident will display the door hanger with the green side exposed. If someone needs assistance, they will display the door hanger with the red side exposed. Using this system, police, fire fighters, and other City employees can drive by and very quickly and easily check upon the welfare of the residents. They can do so without having to even get out of their vehicles. If they see a red door hanger, they know someone needs assistance and they will make contact with the resident(s).

We recognize that this may not work as efficiently in some multi-unit residences such as public housing, apartment buildings, and condominiums. For such units, first responders or volunteers would need to get out of their vehicles to conduct the visual inspection of the placards.

However, utilizing this system would allow other residents in the building or complex to rapidly and expeditiously check on the condition of all of their neighbors. Every floor could select a Floor Captain, whose responsibility after the storm would be to walk the floor and check the placards. Those residents with red placards could be identified and helped immediately.

This very simple, low tech solution allows residents to communicate their condition to the outside world and to quickly get assistance if they are in need of it. The City of West Park only has fifteen thousand (15,000) residents, and not every household participates in the program. It is a voluntary program for those residents who choose to participate. The door hangers are inexpensive. The ones used by the City of West Park were actually made by youth participating in the City of West Park's recreation program.

We learned that Miami-Dade County has explored such a program. We encourage them to implement this program countywide. Every year, Miami-Dade County sends out a mailing to every household in Miami-Dade County which addresses hurricane preparation and hurricane safety. We suggest that a laminated door hanger, similar to that used by the City of West Park, be included in future mailings. The door hangers may be included with a monthly water bill or a hurricane preparation and safety mailing to every single household in Miami-Dade County.

## **IX. CONCLUSION**

As residents of South Florida, we all know that every year we are susceptible to being impacted by hurricanes and tropical storms. Our history reveals that in some years, Florida sustained damage from multiple tropical storms and hurricanes within the same "hurricane season." Because of this reality, "basic plans" for addressing the preparation and aftermath of hurricanes are insufficient: we need back-up plans, contingency plans and catastrophe plans.

With Hurricane Irma, South Florida experienced the largest evacuation plan in the history of the state. As there had never been a need to move so many people, in a confined area, in such a small window of time, officials were unprepared for the gridlock that ensued on all major traffic arteries heading out of South Florida. The evacuation order of more than 600,000 residents exacerbated the traditional fuel shortage that often accompanies hurricane preparation for South Floridians. When motorists started running out of gas in the gridlocked traffic, a very bad situation only got worse. This cannot happen again. However, and unfortunately, as we release this report,



we are not aware of any contingency plan, should another mass evacuation of this proportion be issued by our government officials.

Similarly, for the first time in its history, Miami-Dade County ordered the opening of 42 emergency shelters in advance of a hurricane strike. The basic plan and agreement provided for eight shelters, staffed and operated by the Red Cross. When a change in circumstances resulted in a need that was five times greater than that provided for in the basic plan, there were no guidelines for such a deployment. In other words, there were no logistical procedures to support implementation of an emergency back-up plan. Fortunately, in this area, with the training of 2,000 county employees, the county has better equipped itself for increased deployment of emergency shelters when such needs arise on short notice.

Finally, elderly residents are a vulnerable population, not just in South Florida. Time and time again, in cities all over the nation, we have witnessed deaths of elderly residents who survived the natural disaster (flood, tornado, tropical storm, etc.) but die in the aftermath of those disasters. They die because their frail bodies can't stand the extreme heat that follows a loss of power, nor are they capable of fending for themselves when, as we have seen in video news footage, they are sitting in a nursing home facility in waist-deep flood water. Many of these deaths are preventable with the proper preparation and planning, especially for the elderly residents who live in facilities and complexes that are exclusively identified as such. We believe that modifying the basic plans to include the recommendations from this report will ensure that our elderly residents will be checked on after the storm and necessary provisions will be delivered or made available to them in an expeditious manner.

Resilience is the ability of a community to withstand or recover quickly from a difficult condition. The preparation for a major hurricane and the resulting circumstances which such a storm thrusts our community into is certainly a difficult condition. We hope that this report – which highlighted some of the issues which our community faced, and made some recommendations as to how our community could improve in the face of future similar events – will serve to make Miami-Dade County safer and more resilient in the future for both residents and visitors.

Exhibit A

**Miami-Dade Board of County Commissioners  
Resolution Number R-617-18**

**WHEREAS**, according to State estimates, Hurricane Irma resulted in 73 fatalities statewide, of which 14 were elderly patients that died from complications related to heat exhaustion when the air conditioning unit ceased to work in the nursing home and rehabilitation center in which they resided due to loss of power; and

**WHEREAS**, one of the direct results of a tropical cyclone and other types of storms is the loss of power; and

**WHEREAS**, depending on the damage caused by such storms, it may take more than a week to restore power; and

**WHEREAS**, during the time power is out, Miami-Dade County's most vulnerable residents, who are the poor, elderly, children, or disabled, face health and safety issues in the aftermath of a storm; and

**WHEREAS**, for example, after Hurricane Irma, many in the underprivileged communities in Miami-Dade County suffered loss of power for more than a week, which led to the loss of food for many residents; and

**WHEREAS**, many of the residents in the underlying areas had to rely on support from federal, state and local government and organizations to obtain food, water, ice and other essential goods and services; and

**WHEREAS**, the loss of power also resulted in many residents being left in high-rises without working or with faulty generators to power air conditioning units, thus creating an unsafe environment for many vulnerable residents; and

**WHEREAS**, the aftermath of Hurricane Irma highlighted that more can be done to ensure that all residents, especially those who are most vulnerable, are provided with decent, safe and sanitary housing before, during and after a natural disaster like a hurricane; and

**WHEREAS**, moreover, this Board has an obligation to protect the health, safety and welfare of all residents of Miami-Dade County before, during and after a natural disaster, especially the most vulnerable residents; and

**WHEREAS**, however, the County cannot do it all and must therefore rely on its partnerships with the federal, state and local governments, local organizations, businesses, and community groups; and

**WHEREAS**, for instance, the County relies heavily on its partnerships with the public and private sectors to acquire, construct and/or rehabilitate affordable housing developments through programs such as State Housing Initiative Partnership, Documentary Stamp Surtax, Home Investment Partnerships, Community Development Block Grant, Building Better Communities General Obligation Bond programs, and other affordable housing programs (“Affordable Housing Programs”); and

**WHEREAS**, without the private sector’s assistance and involvement, many residents of Miami-Dade County would not and could not afford housing in Miami-Dade County; and

**WHEREAS**, through this public/private partnership, this Board believes that it can guarantee that each developer of affordable housing that is funded through the Affordable Housing Programs will, as a condition of such funding, have a natural disaster plan in place that will address the concerns of their residents before, during and after a natural disaster like a hurricane; and

**WHEREAS**, accordingly, this Board wishes to make it mandatory that any developer, borrower or grantee of elderly affordable housing applying for or receiving funding through one or more of the Affordable Housing Programs must have a natural disaster plan and meet other requirements as set forth below; and

**WHEREAS**, this Board also wishes to urge all developers, borrowers or grantees who have received funds from one of the County’s Affordable Housing Programs prior to the effective date of this resolution to implement some or all of the requirements set forth herein,

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

**Section 1.** The foregoing recitals are incorporated in this resolution and are approved.

**Section 2.** This Board directs the County Mayor or the County Mayor’s designee to require, as a condition of receipt of State Housing Initiative Partnership, Documentary Stamp Surtax, Home Investment Partnerships, Community Development Block Grant, Building Better Communities General Obligation Bond funds, and funds through any other affordable housing program (“Affordable Housing Program Funds”) for the purpose of acquiring, constructing and/or rehabilitating affordable elderly housing, that all developers, borrowers, or grantees

of such funds have a natural disaster plan and meet other related requirements set forth in Section 3 of this resolution.

**Section 3.** This Board directs the County Mayor or the County Mayor's designee to include in all of the County's Requests for Applications, loan funding agreements and/or grant agreements for elderly housing, provisions that require that all developers, borrowers or grantees of such funds shall be required to provide the following:

- a) A written natural disaster plan approved by the County Mayor or the County Mayor's designee for the affordable housing development. Such natural disaster plan shall be updated annually, be made available to the residents and first responders, and include at a minimum the following information:
  1. An evacuation plan for all residents of the affordable housing development;
  2. A contingency plan in the event the generators required herein are not operational before or after a natural disaster;
  3. Steps to be taken in order to identify all residents who evacuate from or choose to remain in an affordable housing development before and after a natural disaster;
  4. A refueling plan for generators;
  5. A communication plan between the developer, borrower or grantee and their personnel before, during and after a natural disaster; and
  6. Any other requirements that the County Mayor or the County Mayor's designee, at their sole discretion, determines to be necessary for inclusion in the natural disaster plan.
- b) A kitchen on the first, second or third floor of the building that can be used to cook food for the residents after a natural disaster;
- c) A community room on the first, second or third floor of the development that has air conditioning where residents can go during and after a natural disaster;
- d) A kitchen and/or community room on the first, second or third floor of the development that has water supplied by a pump connected to a generator during and after a natural disaster;
- e) A minimum of one generator to operate the lights, air conditioner and other appliances in a community room and kitchen after a natural disaster and throughout the duration of a power outage. Such generators shall be maintained in good working order and shall be inspected before and after a natural disaster;

- f) A minimum of one trained personnel on site at the affordable housing development during and after the storm. This person must receive disaster training based on the Medicaid guidelines. Such training can be provided, at no cost to the County, by a County department designated by the County Mayor or the County Mayor's designee. Any cost associated with such training shall be borne solely by the developer, borrower, or grantee;
- g) A minimum of one trained personnel or volunteer, which may include a resident, on-site at the affordable housing development to provide assistance after a natural disaster;
- h) Working contact telephone numbers, including at least one land telephone line and one cellular telephone, that shall be provided to each resident and which shall be made available to such residents before, during, and after a natural disaster. Such telephone numbers shall be posted in common areas, including but not limited to community rooms and management offices; and
- i) A list of community agencies furnished by the County that can provide services before and after a natural disaster, which shall be prominently posted in administrative offices and the common areas.

This Board authorizes the County Mayor or the County Mayor's designee to include the provisions set forth in this Section 3 in all Requests for Applications, loan funding agreements and grant agreements related to the Affordable Housing Program Funds. Further, this Board authorizes the County Mayor or the County Mayor's designee, at the County Mayor or the County Mayor's designee's sole option, to require as a condition of the County consenting to a subsequent loan or grant or subordination of such loan or grant, that each developer, borrower or grantee shall comply with the requirements of this resolution. Notwithstanding the foregoing, the requirements set forth in this Section 3 shall only apply to those elderly affordable housing developments that are funded through the Affordable Housing Program Funds after the effective date of this resolution.

**Section 4.** This Board urges all developers, borrowers or grantees who have received Affordable Housing Program Funds for the purpose of acquiring, constructing and/or rehabilitating affordable elderly housing prior to the effective date of this resolution to implement some or all of the requirements set forth in Section 3 of this resolution.

## **FLORIDA'S DEPARTMENT OF JUVENILE JUSTICE: FIGHTING FOR REFORM**

Having the opportunity to be a part of the Miami-Dade County Grand Jury has been a fulfilling experience for all of us, both individually and collectively. It showed us a facet of life that we had never viewed, and allowed us to consider how we could best improve our community. During our term's various presentments of the First-Degree Murder cases, we saw firsthand just how horribly one human being could act toward another. While the First-Degree Murder cases that were presented to us had already occurred, we could not prevent those tragedies from happening. On the other hand, we viewed our time on the Grand Jury as an opportunity to effect positive change in our community.

During the first few sessions of our term, we considered many important community topics about which we would devote our brief Grand Jury time to explore. We saw our role as a unique opportunity to inquire into those topics which could make our community better, by potentially effecting positive reforms and actions. While we would have liked to be able to address each and every one of the topics that we considered, we recognized that our Grand Jury time was limited, and therefore we could only select and prioritize a couple of topics to address. Accordingly, we had to develop an internal consensus to prioritize the topics, recognizing that we could not address every topic that was considered by us as a body. We wanted to be able to address topics where our report would have the best chance of effecting meaningful positive change.

One of the topics that grabbed our attention was the reforming of facilities and personnel practices within Florida's Department of Juvenile Justice. We were made aware of a Grand Jury Report issued over a decade ago by the Spring Term 2003

Grand Jury, which addressed the Department of Juvenile Justice in the context of the death of a teenager named Omar Paisley.<sup>1</sup> Mr. Paisley died of a ruptured appendix while in the custody of the Department of Juvenile Justice in Miami-Dade County. Numerous recommendations were made by that Grand Jury to rectify then existing conditions in the Department of Juvenile Justice.

Now, more than thirteen (13) years later, we were made aware of horrific problems that still continue to exist within the Department of Juvenile Justice. The Miami Herald published a significant, in-depth series which exposed many of these issues, which it entitled Fight Club.<sup>2</sup> The series detailed a pattern of conduct wherein guards within the juvenile detention facility created intolerable conditions and behavior by bribing certain juveniles with fast food, including confectionary pastry “honeybuns”, in order for those teens to discipline other juveniles within the locked facility. Tragically, a teenager named Elord Revolte died in the hospital after being beaten by other juveniles in the facility. We were appalled to learn that it was a common practice for guards to reward children in the facility with snacks to beat up other children.

While we were prepared to make inquiry into the Department of Juvenile Justice and to make specific recommendations to remedy or correct whatever we would uncover during our investigation as to minimum levels of standards, training, and pay for Department of Juvenile Justice employees; physical security systems in the facility; and the provision for unannounced visits to the facility by legislators and other specified individuals, we learned through the media that many of the specific

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<sup>1</sup> *Investigation Into The Death of Omar Paisley And the Department of Juvenile Justice Miami-Dade Regional Juvenile Detention Center*, Spring Term 2003 Grand Jury (hereinafter "Omar Paisley Report").

<sup>2</sup> The series is available here, <http://wlrn.org/post/fightclub-miami-herald-investigation-florida-s-juvenile-justice-system>

recommendations which we might have made were already being addressed by the Florida Legislature.

By way of example, we learned that the Governor, all Cabinet members, members of the Legislature, judges of state courts, state attorneys, public defenders, and authorized representatives of the Florida Commission on Offender Review are now authorized to visit all state correctional institutions at their pleasure.<sup>3</sup> There was no similar provision for unannounced visits to detention facilities within the purview of the Department of Juvenile Justice. We believed that it would be imperative for transparency purposes that the same access should be given to the same individuals for the same purpose. However, such was not the case. While in the process of deciding which topics we could investigate, we learned that Florida House Bill 361 was drafted and addressed this concern.<sup>4</sup> House Bill 361 was signed into law by Governor Scott on March 21, 2018 and became effective July 1, 2018.

The lack of a functioning video surveillance system was a major criticism in the 2003 Grand Jury Report regarding the death of Omar Paisley.<sup>5</sup> We learned that the Florida Legislature was seeking to modernize live video surveillance systems in the public areas of each juvenile residential facility that could be monitored remotely and constantly by Department of Juvenile Justice representatives off site from the

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<sup>3</sup> See Florida Statute §944.23.

<sup>4</sup> See CS for HB 361, which provides as follows,

“Section 1. Section 985.6885, Florida Statutes, is created to read:

985.6885 Persons authorized to visit juvenile facilities. —

(1) The following persons may visit at their pleasure between the hours of 6 a.m. and 11 p.m. all facilities housing juveniles which are operated or overseen by the department or a county:

(a) The Governor.

(b) A Cabinet member.

(c) A member of the Legislature.

(d) A judge of a state court.

(e) A state attorney.

(f) A public defender.

(g) A person authorized by the secretary of the department.”

<sup>5</sup> Omar Paisley Report at p. 19-20



individual facility.<sup>6</sup> These would consist of two-way communications cameras, which would allow incidents to be observed in real-time, and would allow for the viewer to be able to press a button and communicate immediately and directly, in real-time, during any critical situation.<sup>7</sup> Such a transparent observation system is absolutely essential to not only prevent illegal conduct, but to make it easier to investigate and prosecute wrong-doers when such conduct occurs. A video camera that does not work is useless. In fact, we were pleased to see that \$1,000,000 in nonrecurring general revenue funds were provided to the Department of Juvenile Justice specifically to purchase cameras for their residential detention facilities.<sup>8</sup>

The Miami Herald's Fight Club series reported that the starting salary for detention officers hired by the Department of Juvenile Justice is \$12.25 an hour, or \$25,479.22 a year.<sup>9</sup> We were pleased to learn that the Governor and the Secretary of the Department of Juvenile Justice have proposed a 10 percent pay increase for state employees working for the Department of Juvenile Justice, and that this was being proposed in the Legislature.<sup>10</sup> In fact, in the 2018-2019 General Appropriations Act, there was a 10 percent pay increase for Juvenile Justice detention officers and Juvenile probation officers.<sup>11</sup>

The Miami Herald's Fight Club series also reported that there are inadequate standards and inadequate personnel screening in the hiring practices of Department of Juvenile Justice employees.<sup>12</sup> While some states insist upon their detention workers having a college degree, Florida does not.<sup>13</sup> According to the Fight Club

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<sup>6</sup> <http://www.miamiherald.com/news/special-reports/florida-prisons/article180941931.html>

<sup>7</sup> <http://www.miamiherald.com/news/special-reports/florida-prisons/article195143309.html>

<sup>8</sup> See Chapter 2018-9 Laws of Florida, Section 4 – Criminal Justice and Corrections at pages 188-189.

<sup>9</sup> <http://www.miamiherald.com/news/special-reports/florida-prisons/article177883676.html>

<sup>10</sup> <http://www.miamiherald.com/news/special-reports/florida-prisons/article180941931.html>

<sup>11</sup> See Chapter 2018-9 Laws of Florida, Section 8. Employee Compensation and Benefits – Fiscal Year 2018 – 2019 (1)(b)2. at pages 414-415.

<sup>12</sup> <http://www.miamiherald.com/news/special-reports/florida-prisons/article177883676.html>

<sup>13</sup> *Ibid.*

series, some juvenile detention officers have a violent or sexually abusive past, including numerous former prison guards who lost their jobs as prison guards due to sexually abusive treatment of colleagues, improper relationships with inmates, smuggling in contraband, and sleeping on the job.<sup>14</sup> While pay increases for Department of Juvenile Justice detention officers are extremely laudable, we also hope that the Department of Juvenile Justice increases the minimum standards required for employment to a college degree, and that they increase the level of scrutiny in their background checks of potential employees. After all, they are entrusted with our precious children.

In reviewing the recommendations from the Omar Paisley report, we were saddened to realize that 13 years later, prudent recommendations from our predecessor Grand Jury still had not been implemented. Similarly, the recent issues concerning the juvenile detention facilities and personnel within Florida's Department of Juvenile Justice were also troubling to us. However, as these recent problems were widely reported in the media, and as specific recommendations and initiatives for reform were already underway, we felt that our limited time would best be spent upon other issues of community import which were not being addressed in an open forum, where our recommendations could make a meaningful change, so we decided collectively to focus upon those other issues.

We do, however, encourage future Grand Jurys to address this topic should positive change not come about as a result of some of the initiatives underway.

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<sup>14</sup> *Ibid.*

<u>NAME OF DEFENDANT</u>	<u>CHARGE</u>	<u>INDICTMENT RETURNED</u>
TINA M. FARRINGTON	First Degree Murder Child Abuse / Aggravated / Great Bodily Harm / Torture / Weapon	True Bill
PAOLA DENISE VARGAS ORTIZ	First Degree Murder	True Bill
EDWARD WILLIAM REID, JR.	First Degree Murder Robbery/Carjacking Leaving Scene of an Accident/ Property Damage Leaving Scene of an Accident/ Property Damage	True Bill
KEYONDRIC D. DANIELS (A) and EDDY MOORE (B)	First Degree Murder	True Bill
DASHERA L. DAVIS (A), SHAWNTERA JACKSON (B) and TRAVIS CHARITE (C)	First Degree Murder Robbery/Deadly Weapon/ Firearm / Att	True Bill
FREDMARI EDWARD GRAY	First Degree Murder Robbery Using Deadly Weapon or Firearm	True Bill
CLEARANCE WILLIAMS	First Degree Murder Firearm/Weapon/Ammunition/ Possession by Convicted Felon Or Delinquent	True Bill
(A) DASHERA L. DAVIS (B) SHAWNTERA JACKSON (C) TRAVIS CHARITE, and (D) STEVEN BLANC	First Degree Murder Robbery/Deadly Weapon/ Firearm/Att	True Bill
MARCINE BERNARD HILL	First Degree Murder Robbery Using Deadly Weapon Or Firearm	True Bill
SILAS LEE SPENCE (A) LUCAS GEORGE SEEGER (B)	First Degree Murder	True Bill

<u>NAME OF DEFENDANT</u>	<u>CHARGE</u>	<u>INDICTMENT RETURNED</u>
NATHALY RAMOS	Murder 1 <sup>st</sup> Degree/With a Deadly Weapon / Attempt Burglary With Assault or Battery Therein / While Armed First Degree Murder Child/Abuse/Aggravated/Great Bodily Harm/Torture/Deadly Weapon	True Bill
EMMANUEL SAINT FLEUR	First Degree Murder Attempted Felony Murder With a Firearm/ Deadly Weapon or Aggravated Battery Burglary With Assault or Battery Therein While Armed Aggravated Assault With a Firearm Murder/Premeditated/Attempt/ Deadly Weapon or Aggravated Battery	True Bill
LUIS PALACIOS MADARIAGA	First Degree Murder Resisting an Officer Without Violence to His/ Her Person	True Bill
ELBERT LEON MATTHEWS	First Degree Murder Armed Robbery – Weapon	True Bill

ACKNOWLEDGMENTS

We, the Miami-Dade County Grand Jury, Fall Term 2017, would like to thank the Honorable Judge Peter R. Lopez and Miami-Dade County State Attorney Katherine Fernandez Rundle for the roles they played in the selection and education regarding our duty as grand jurors and Judge Jose M. Rodriguez for standing in for Judge Lopez, when needed.

We would also like to thank Don L. Horn and Howard Rosen for making our time here enjoyable. I think most of us, given the option at the beginning, would have chosen not to be here. Life can be busy. After going down this nine-month journey, I think I and my fellow jurors would all agree that this was a journey worth taking.

I think we all learned a lot about life and about the legal system. We also learned a lot about people less fortunate than ourselves. For that, I think it is important to give thanks for all we have and to give thanks to those that protect us and our way of life.

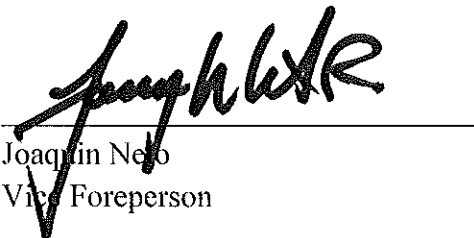
Last, but not least, special thanks to Rose Anne Dare and our Bailiff, Nelido Gil.

Respectfully submitted,



Philip Henry, Foreperson  
Miami-Dade County Grand Jury  
Fall Term, 2017

ATTEST:



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Joaquin Nelo  
Vice Foreperson

Date: August 1, 2018