

RESOLUTION No. 10 – 08

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH LIFEMARK HOSPITAL OF FLORIDA, INC., OWNER AND OPERATOR OF PALMETTO GENERAL HOSPITAL, AS A BAKER ACT RECEIVING FACILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral seeks to comply with the provisions of Sec. 394.462 Florida Statutes which governs the transportation of persons by law enforcement to Baker Act Receiving Facilities for involuntary examinations; and

WHEREAS, compliance with the above-referenced statute requires that the City develop a Memorandum of Understanding with each facility within the law enforcement agency's jurisdiction which reflects a single set of protocols for the safe and secure transportation of the person and transfer of custody of the person; and

WHEREAS, Staff respectfully requests that the City Council authorize the City manager to enter into a Memorandum of Understanding (Exhibit "A") with Lifemark Hospital of Florida, Inc., owner and operator of Palmetto General Hospital, as a Baker Act Receiving Facility.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council hereby authorizes the City Manager to enter into enter into a Memorandum of Understanding (Exhibit "A") with Lifemark Hospital of Florida, Inc., owner and operator of Palmetto General Hospital, as a Baker Act Receiving Facility.

Section 2. This Resolution shall take effect immediately upon adoption.

The foregoing resolution was offered by Councilman DiPietro who moved its adoption. The motion was seconded by Councilman Cabrera and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Robert Van Name	Yes
Councilman Pete Cabrera	Yes
Councilman Michael DiPietro	Yes
Councilwoman Sandra Ruiz	Yes

PASSED and ADOPTED this 13th day of January, 2010.



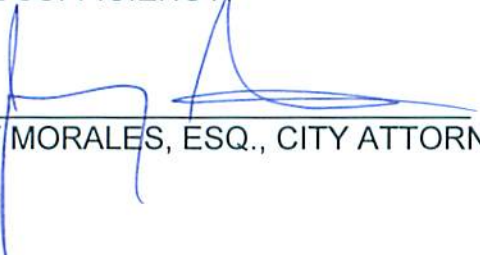
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



JIMMY MORALES, ESQ., CITY ATTORNEY

EXHIBIT "A"

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding, made and entered into this 1st day of NOVEMBER, 2009, is between the City of Doral ("City") and Lifemark Hospital of Florida, Inc. (as owner and operator of) Palmetto General Hospital (Baker Act Receiving Facility or "Facility").

WHEREAS, in order to implement the provisions of Section 394.462 Florida Statutes, which governs transportation of persons by law enforcement to receiving facilities for involuntary examination, there are certain requirements that must be provided for in an agreement: and

WHEREAS, the City is required to develop a memorandum of understanding with each facility within the law enforcement agency's jurisdiction, which reflects a single set of protocols for the safe and secure transportation of the person and transfer of custody the person: and

WHEREAS, these protocols must address crisis-intervention measures: and

WHEREAS, in order to be consistent with state law, the City shall relinquish custody of a person who is transported consistent with Chapter 394 of the Florida Statutes, along with related documentation, only to a responsible individual at the appropriate receiving or treatment facility: now, therefore

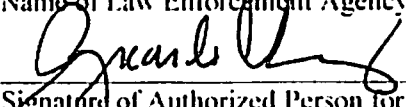
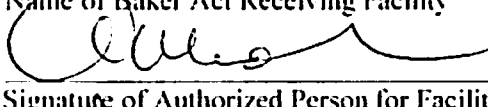
IT IS AGREED THAT:

1. The City shall cause its officer to deliver each individual under involuntary examination status to the nearest Facility. Unless a Transportation Exception Plan has been approved for this county by the Board of County Commissioners and the Secretary of the Florida Department of Children and Families (DCF). The parties understand that in most instances the nearest recovery facility will be Palmetto General Hospital.
2. The Officer will determine which receiving facility is the nearest by relying on knowledge of the geographic area or by requesting dispatch to use Map Quest.
3. When possible, either the Officer or the Communications Center for the City will give the Facility a courtesy telephone call to alert the staff that the officer is en route. The Facility agrees that such a courtesy call will not be used to instruct an officer to take the individual to any other facility, unless otherwise authorized to do so by law.
4. The Officer shall complete a mandatory written report (form CF-MH 3100) detailing the circumstances under which the person was taken into custody (See Section 394.463(2)(a)(3) Florida Statutes) and will give a copy of the report

along with the certificate for involuntary examination to the responsible individual at the Facility.

5. The Officer may then leave the individual at the Facility with a Registered Nurse unless the individual is acting in a dangerous manner, beyond the ability of the Facility to manage, and the Officer's presence is required to assist for a temporary period until appropriate Facility staff and/or security arrives.
6. The facility to which the individual is brought by law enforcement for involuntary examination will accept the person and conduct the examination.
7. If the facility has no available beds, or has determined that the person is in need of services from a different facility (including medical), arrangements for a safe and appropriate transfer of the individual to a different receiving facility/medical facility will be made by the Facility. The Facility will not ask an officer to transport such an individual.
8. The Facility will ensure that the individual receives the mandatory initial involuntary examination before release or transfer. If the person is not appropriate for admission, the individual will be released with a referral to community services as appropriate. The receiving facility will comply with all responsibilities established under Chapter 394, Florida Statutes, of its obligations and in its evaluation, treatment, transfer and/or release of each patient.
9. When any law enforcement officer has custody of a person based on either noncriminal or minor criminal behavior that meets the statutory guidelines for involuntary examination, the law enforcement officer shall transport the person to the nearest receiving facility for examination.
10. When any law enforcement officer has arrested a person for a felony and it appears that the person meets the statutory guidelines for involuntary examination or placement under this part, such person shall first be processed in the same manner as any other criminal suspect. The law enforcement agency shall thereafter immediately notify the nearest public receiving facility, which shall be responsible for promptly arranging for the examination and treatment of the person. A receiving facility is not required to admit a person charged with a crime for whom the Facility determines and documents that it is unable to provide adequate security, but shall provide mental health examination and treatment to the person where he or she is held.

11. The law enforcement officer will inform Facility personnel in each situation where an individual has violations or criminal charges and the facility will not release such persons except back to the law enforcement agency that brought the individual to the facility.

<u>City of Doral Police Department</u>	<u>Palmetto General Hospital</u>
Name of Law Enforcement Agency	Name of Baker Act Receiving Facility
	
Signature of Authorized Person for Agency	Signature of Authorized Person for Facility
<u>Ricardo Gomez</u>	<u>Ana Mederos</u>
Printed Name of Authorized Person	Printed Name of Authorized Person
<u>22 Jan 2010</u>	<u>11/2/05</u>
Date MOU Signed by Authorized Person	Date MOU Signed by Authorized Person

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