

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2048.09

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A MEMORANDUM OF UNDERSTANDING AGREEMENT BETWEEN THE TOWN AND THE MOUNT SINAI MEDICAL CENTER; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the Town Council of the Town of Golden Beach, Florida (the "Town") wishes to enter into a Memorandum of Understanding Agreement (the "Agreement") with the Mount Sinai Medical Center, attached to this Resolution as Exhibit "A" between the Town and the Mount Sinai Medical Center, regarding transportation to their facilities as described and outlined in the attached Agenda Item Report; and

**WHEREAS**, the Town Council believes that it is in the best interest to enter into the Agreement.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals Adopted.** That each of the above-stated recitals is hereby adopted and confirmed.

**Section 2. Agreement Approved.** That the Agreement is hereby approved in substantially the form attached hereto as Exhibit "A," subject to approval by the Town Attorney as to form and legal sufficiency.

**Section 3. Implementation.** That the Mayor and Town Manager are authorized to take any and all action which is necessary to implement this Resolution.

**Section 4. Effective Date.** That this resolution shall become effective immediately upon approval of the Town Council.

Sponsored by Town Administration.

The Motion to adopt the foregoing Resolution was offered by Vice Mayor Lusskin, seconded by Councilmember Rojas and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Judy Lusskin	<u>Aye</u>
Councilmember Ben Einstein	<u>Aye</u>
Councilmember Amy Rojas	<u>Aye</u>
Councilmember Ken Bernstein	<u>Aye</u>

**PASSED AND ADOPTED** by the Town Council of the Town of Golden Beach, Florida, this 27<sup>th</sup> day of October, 2009.

ATTEST:

  
MAYOR GLENN SINGER

  
ELIZABETH SEWELL  
TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
STEPHEN J. HELFMAN  
TOWN ATTORNEY

## Memorandum of Understanding

Between the Golden Beach Police Department, Golden Beach Florida, and the Mount Sinai Medical Center, Miami Beach, Florida.

In order to implement the provisions of s. 394.462 Florida Statute enacted by the 2009 Florida Legislature governing transportation of persons by law enforcement to receiving facilities for involuntary examination, the following is required:

1. Each law enforcement agency shall develop a memorandum of understanding with each Receiving 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. These protocols must also address crisis-intervention measures.
2. Custody of a person who is transported pursuant to this part, along with related documentation, shall be relinquished to a responsible individual at the appropriate receiving or treatment facility.

Therefore it is agreed that:


1. The Law Enforcement Officer shall deliver each individual under involuntary examination status to the nearest receiving 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).
2. If a Transportation Exception Plan has been approved by the Board of County Commissioners and the Secretary of DCF, the following special provisions are to be followed (if Not Applicable, skip): Upon approval of Circuit 11's proposed Baker Act Transportation Exception Plan, this document will be amended.
3. When possible, either the officer or the Communications Center will give the facility a courtesy telephone call to alert the staff that the officer is enroute. The facility agrees that such a courtesy call will not be used to instruct an officer to take the individual to any other facility.
4. The officer will complete a mandatory written report (form CF-MH 3100) detailing the circumstances under which the person was taken into custody (per s. 394 463(2)(a)(3) F.S.) and will give a copy of the report along with the certificate for involuntary examination to the responsible party at the Receiving Facility.
5. The officer may then leave the individual at the receiving facility with the appropriate staff member.
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 that first received the individual. The facility will not ask an officer to transport such an individual.
8. The receiving facility will ensure that the individual receives the mandatory initial involuntary examination before release unless the individual is transferred. If the person is not appropriate for admission, the individual will be released with a referral to community services as appropriate.

- 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 Miami-Dade Correctional staff 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.
- 12. This Memorandum of Understanding is effective upon the date it is signed by both parties. It will continue indefinitely unless either party terminates its participation by providing the other with thirty (30) days written notification. The terms of this MOU can be modified in writing by the parties upon mutual consent to meet operational necessity and statutory mandates.

Other Issues: \_\_\_\_\_

Golden Beach Police Department  
Name of Law Enforcement Agency

Mount Sinai Medical Center  
Name of Baker Act Receiving Facility

  
\_\_\_\_\_  
Signature of Authorized Person for Agency

\_\_\_\_\_  
Signature of Authorized Person for Facility

Mayor Glenn H. Singer  
Printed Name of Authorized Person

\_\_\_\_\_  
Printed Name of Authorized Person

10/27/09  
Date MOU Signed by Authorized Person

\_\_\_\_\_  
Date MOU Signed by Authorized Person