

RESOLUTION NO. 2023- _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, URGING THE FLORIDA LEGISLATURE TO PROMULGATE LEGISLATION REQUIRING A MORE COMPREHENSIVE ASSESSMENT AND EVALUATION PERIOD FOR PERSONS WHO HAVE REPEATEDLY MET THE ESTABLISHED CRITERIA AND BEEN TAKEN FOR INVOLUNTARY EXAMINATION PURSUANT TO FLORIDA'S BAKER ACT, IN ORDER TO PROVIDE HOSPITALS AND OTHER RECEIVING FACILITIES THE OPPORTUNITY TO CONDUCT A MORE DETAILED AND THOROUGH EXAMINATION TO ASSESS WHETHER SUCH PERSONS REQUIRE FURTHER TREATMENT OR COMMITMENT AT AN APPROPRIATE MENTAL HEALTH FACILITY.

WHEREAS, mental illness collectively constitutes all diagnosable mental disorders or health conditions that are characterized by alterations in thinking, mood, or behavior (or some combination thereof) associated with distress or impaired functioning; and

WHEREAS, the Florida Mental Health Act, commonly referred to as the Baker Act, was enacted to revise the state's mental health commitment laws, which include legal procedures for mental health examination and treatment, including voluntary and involuntary examinations; and

WHEREAS, the Baker Act allows for an involuntary examination if there is reason to believe that a person has a mental illness and is in danger of harming themselves or others based on recent behavior; and

WHEREAS, an involuntary examination may be initiated by a court entering an ex-parte order, a law enforcement officer, or a mental health professional; and

WHEREAS, presently, pursuant to the Baker Act, a receiving facility only has up to 72 hours to assess and examine an involuntary patient within the framework of an established protocol at a facility, in order to determine if the criteria for involuntary services are met; and

WHEREAS, within that 72-hour examination period, the patient must be released on their own recognizance, released for voluntary outpatient treatment, or a petition for involuntary placement must be filed in circuit court for involuntary inpatient or outpatient treatment; and

WHEREAS, if a petition for involuntary placement is filed, a hearing will be held to determine if a court finds that the involuntary placement criteria is met and, if so, the patient is committed to an appropriate hospital or mental health facility for treatment; and

WHEREAS, according to the Florida Mental Health Act Fiscal Year 2020-2021 Annual Report, there were 194,680 involuntary examinations conducted of 121,921 individuals; and

WHEREAS, in 2019, the Marjory Stoneman Douglas High School Public Safety Commission (the "Commission") found that the state's mental health system was too often a revolving door as less than 1% of 200,000 people examined pursuant to the Baker Act received long-term treatment; and

WHEREAS, in fact, many individuals were released in less than one (1) day despite repeated assessments and evaluations because the Commission found that the system was set up to treat the immediate crisis that led to the Baker Act being implemented and not toward long-term treatment; and

WHEREAS, the root cause of many patients undergoing multiple examinations without receiving appropriate follow-up treatment or services, is that the 72-hour period set forth in the Baker Act only provides mental health specialists enough time to quickly identify the immediate situation, and insufficient time to create and initiate a long-term treatment plan to address the patient's long-term issues; and

WHEREAS, this problem is exacerbated as many patients in dire need of intervention and treatment cannot, or will not, apply for voluntary treatment or services; and

WHEREAS, mental illness reaches into every neighborhood, community and class of persons, and is not just a humanitarian issue, but if left untreated can become a public safety issue; and

WHEREAS, a more comprehensive and thorough assessment for individuals who have been repeatedly taken for involuntary examination pursuant to the Baker Act could prevent a relapse or deterioration that may result in harm to themselves and/or others; and

WHEREAS, a long-term mental health plan for patients in need would provide such persons to opportunity to receive treatment which may make sustainable change and improvement in their lives, and in the lives of those who care about them.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the Mayor and the City Commission hereby urge the Florida Legislature to promulgate legislation requiring a more comprehensive assessment and evaluation period for persons who have repeatedly met the established criteria and been taken for involuntary examination pursuant to Florida's Baker Act, in order to provide hospitals and other receiving facilities the opportunity to conduct a more detailed and thorough examination to assess whether such persons require further treatment or commitment at an appropriate mental health facility.

PASSED AND ADOPTED this ____ day of _____, 2023.

Mayor Dan Gelber

ATTEST:

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Steven Meiner and Mayor Gelber)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney
Date 4/21/23
MAF