

Date _____

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County)					
Net Fiscal Impact	*				

ADDITIONAL FTE

POSITIONS (Cumulative) 0 0 0 0 0

Is Item Included In Current Budget? Yes _____ No _____

Budget Account Exp No: Fund _____ Department _____ Unit _____ Object _____
 Rev No: Fund _____ Department _____ Unit _____ Object _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

* There is no fiscal impact associated with this agenda item.

Departmental Fiscal Review: Stephanie Seproka

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

[Signature] 12/2/2010
 OFMB
 12/1/10
 12/1/10

[Signature] 12/14/10
 12/13/10
 Contract Administration

B. Legal Sufficiency:

[Signature] 12/3/10
 Assistant County Attorney
 The Fla. Good Samaritan Act does not provide additional protection to CERT volunteers acting on their own or even as County-mission-tasked volunteers. It provides immunity only where the person is not negligent. The County will provide mission-tasked volunteers with liability and workers' compensation protection i.e. the same protection provided other

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment. County Volunteers,
[Signature]

Community Emergency Response Team Program (CERT) Palm Beach County

CERT Program Agreement

I, _____, have completed the Palm
(Please Print Clearly)

Beach County Community Emergency Response Team Training Program. I understand that as a member of CERT my role is limited to attending the Palm Beach County CERT program. I have read, understand, and agree to the handouts identifying Program Rules and Regulations, and CERT Actions in a Disaster. I understand that I am responsible for training kits that are issued to me by Palm Beach County. I recognize that as a member of CERT I do not have the authority, power, or legal rights of action of Florida-certified law enforcement officers, firefighters or paramedics. Finally, I understand that as a member of CERT my responsibilities are to myself, my family, and my neighbors and secondly to the surrounding neighborhood. I may be considered a volunteer, only and exclusively when the County "mission tasks" their services during a declared emergency. The scope of being deemed "mission tasked" is at the sole discretion and control of the County on the services to be provided, the duration of such services and supervision required.

Signature

Date

Printed Name

Attachment # _____ /

RELEASE, HOLD HARMLESS
AND
INDEMNIFICATION AGREEMENT

THIS RELEASE, HOLD HARMLESS, AND INDEMNIFICATION AGREEMENT is voluntarily given and executed by:

(Your name)

in consideration of Palm Beach County through Emergency Management providing "Community Emergency Response Team (CERT) Training.

In return, "_____" hereby releases, agrees and
(Your name)

promises to hold harmless and indemnify Palm Beach County and its officers, employees, agents, or servants, from and against any and all liability, claims, demands, damages, fines, penalties, expenses, fees, suits, proceedings, actions and cost of actions including attorney's fees, for trial and/or on appeal, of any kind or nature arising or growing out of or in any way connected, directly or indirectly, with any act or omission of Palm Beach County and its officers, employees, agents, or servants, or arising or growing out of or in any way connected, directly or indirectly, with or as a result of the CERT training as stated above.

DATED this _____ day of _____, _____, at _____
(Day) (Month) (Year) (City)

Palm Beach County, Florida.

Signature

Printed Name

Attachment # _____

2



Community Emergency
Response Team
Program
(CERT)

APPLICATION

PRINT ALL INFORMATION

NAME

Training Site

Home Community

Palm Beach County
Department of Public Safety
Division of Emergency Management
Revised November 2010

Attachment # _____

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Community Emergency Response Team (CERT) Training Palm Beach County

COURSE APPLICATION

By completing this application in its entirety, you will help the instruction team understand the general profile of the class they are teaching. Do not answer any question that you are not comfortable completing.

Submitting an application does not guarantee admittance to the next scheduled class, but it does assure that your interest is recorded (and you will be notified of the next available class).

Please print all information!

Name: _____

Street Address: _____

City/Zip Code: _____

Mailing address (if different from above): _____

What is your occupation? _____

If you do not live in a homeowner's Association, please state the name of the neighborhood in which you reside:

Your Home Phone: _____

Work Phone: _____

Cell Phone: _____

Pager: _____

If you have fax capability, what is your fax number?

At Home: _____

At Work: _____

E-mail Address: _____

No

Palm Beach County will provide you with the materials you need to complete this training.

STUDENT COURSE AGREEMENT

I understand that by completing this course I will become familiar with some basic skills to help me render assistance to others only when I deem it safe and necessary for me to do so. I am under no obligation at all or required to, expected to, or directed to, by virtue of having received this training, to render any aid or become involved in any emergency response activities, including those activities otherwise approved and "mission tasked" by Palm Beach County, that would make me feel uncomfortable or have the potential to cause me physical or emotional injury.

I recognize the fact that I will receive a "Certificate of Completion" only upon the completion of all training modules and upon a successful evaluation and testing as approved by the trainer of this course. In order to identify those classes I have successfully completed, I hereby consent to allow Palm Beach State College to provide Palm Beach County Division of Emergency Management copies of the sign in sheets for each class, and for Palm Beach County Division of Emergency Management to use this information to determine eligibility for the CERT Certificate of Completion.

I hereby acknowledge receipt of "Legal Considerations of CERT Participants" and have executed the "Release, Hold Harmless and Indemnification Agreement."

Signature

Printed Name

Date

Community Emergency Response Team Program (CERT) Palm Beach County

CERT Program Agreement

I, _____, have completed the Palm
(Please Print Clearly)

Beach County Community Emergency Response Team Training Program. I understand that as a member of CERT my role is limited to attending the Palm Beach County CERT program. I have read, understand, and agree to the handouts identifying Program Rules and Regulations, and CERT Actions in a Disaster. I understand that I am responsible for training kits that are issued to me by Palm Beach County. I recognize that as a member of CERT I do not have the authority, power, or legal rights of action of Florida-certified law enforcement officers, firefighters or paramedics. Finally, I understand that as a member of CERT my responsibilities are to myself, my family, and my neighbors and secondly to the surrounding neighborhood. I may be considered a volunteer, only and exclusively when the County "mission tasks" their services during a declared emergency. The scope of being deemed "mission tasked" is at the sole discretion and control of the County on the services to be provided, the duration of such services and supervision required.

Signature

Date

Printed Name



Community Emergency Response Team Program (CERT)

Legal Considerations

Palm Beach County
Department of Public Safety
Division of Emergency Management

RELEASE, HOLD HARMLESS
AND
INDEMNIFICATION AGREEMENT

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(Your name)

in consideration of Palm Beach County through Emergency Management providing "Community Emergency Response Team (CERT) Training.

In return, "_____" hereby releases, agrees and
(Your name)

promises to hold harmless and indemnify Palm Beach County and its officers, employees, agents, or servants, from and against any and all liability, claims, demands, damages, fines, penalties, expenses, fees, suits, proceedings, actions and cost of actions including attorney's fees, for trial and/or on appeal, of any kind or nature arising or growing out of or in any way connected, directly or indirectly, with any act or omission of Palm Beach County and its officers, employees, agents, or servants, or arising or growing out of or in any way connected, directly or indirectly, with or as a result of the CERT training as stated above.

DATED this _____ day of _____, _____, at _____
(Day) (Month) (Year) (City)

Palm Beach County, Florida.

Signature

Printed Name

Community Emergency Response Team Program (CERT) Palm Beach County STATUS OF CERT PARTICIPANTS

CERT training participants who successfully complete the CERT training would be considered volunteers of Palm Beach County, but not employees or agents of Palm Beach County, only and exclusively when the County "mission tasks" their services during a declared emergency. CERT training participants will be considered volunteers, only and exclusively when the County "mission tasks" their services during a declared emergency. The scope of being deemed "mission tasked" is at the sole discretion and control of the County on the services to be provided, the duration of such services and supervision required.

Once "mission tasked", a CERT participant is entitled to the same privileges, immunities or insurance coverage afforded to other volunteers of Palm Beach County. Such protections include limited immunity from liability for acts performed within the volunteer's scope of work as a mission-tasked volunteer, as well as legal representation if the volunteer becomes the defendant in a lawsuit which occurred as a result of acts performed in the course of the volunteer's duties.

Volunteers may also have certain personal immunity from civil liability under the Florida Good Samaritan Act (See handout / Fla. Stat. 768.13).

Should Palm Beach County officially request the services of CERT training participants for "mission tasked" duties during emergencies and otherwise deemed volunteers, then such volunteers may have certain protection against civil liability under the *Florida Volunteer Protection Act* (See handout / Fla. Stat. 768.1355) if they are acting within the scope of Palm Beach County officially mission tasked duties.

I understand by completing this course I will learn certain basic skills which may help me provide assistance to others at my discretion, (only in disaster situations) when I deem it safe and necessary for me to do so. I am under no obligation at all or required to, expected to, or directed to, by virtue of having received this training, to render any aid or become involved in any emergency response activities, including those activities otherwise approved and "mission tasked" by Palm Beach County, that would make me feel uncomfortable or have the potential to cause me physical or emotional injury.

I hereby acknowledge receipt of and reading the above statement entitled "Status of CERT Participants" and have executed the "Release, Hold Harmless, and Indemnification Agreement."

Signature

Date

Printed Name



Denise M. Nieman
County Attorney

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Suncom: (561) 273-2225
FAX: (561) 355-4398
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Commissioners**

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MEMORANDUM

DATE: September 2, 2010
TO: Bill Johnson
Director, Division of Emergency Management
FROM: Gentry Denise Benjamin
Assistant County Attorney 
RE: County CERT Volunteer Program

Bill,

You asked for the County Attorney Office's position regarding legal representation for CERT Volunteers.

After reviewing this issue, as well as the CERT Volunteer Packet, it is this office's position that mission-tasked volunteers, designated by the County to perform specific tasks during an emergency, may be entitled to the same protections provided volunteers of other County programs. Such protections include limited immunity from liability for acts performed within the volunteer's scope of work as a mission-tasked volunteer, as well as legal representation if the volunteer becomes the defendant in a lawsuit which occurred as a result of acts performed in the course of the volunteer's duties.

I hope this sufficiently addresses your concerns. If you have any questions, please do not hesitate to give me a call at (561) 355-2501.

G:\WPDATA\ENG\GBenjamin\Emergency Management\CERT Volunteer Memo.doc

Attachment # 4