

**Lee County Board of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20041317

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a public hearing to consider and adopt an Ordinance establishing the procedures for the charging and collecting of fees by the District 21 Medical Examiner for providing examinations and investigations relating to cremation, dissection, and burial at sea, in Lee County.

WHY ACTION IS NECESSARY: A public hearing is necessary for the Board of County Commissioners to adopt County Ordinances.

WHAT ACTION ACCOMPLISHES: Allows the County to collect cremation fees which will defer the cost of the Medical Examiner.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # CW

5:00 #5

3. MEETING DATE:

10-26-2004

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT County Attorney
- C. DIVISION General Services
- BY: Andrea R. Fraser
Assistant County Attorney

7. BACKGROUND:

At the June 5, 2004 Board of County Commissioners' meeting, the Board approved a contract with the District 21 Medical Examiner for the provision of Medical Examiner-related services.

The contract included a provision that should Lee County adopt a Cremation Ordinance or other procedure or mechanism enabling the Medical Examiner to charge for cremation authorizations, the Medical Examiner's base salary would be reduced by \$25,000.00. Should the Board approve the Cremation Ordinance, the medical Examiner would receive thirty percent (30%) of all gross cremation authorization receipts as part of her base salary.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
N/A	N/A	N/A	N/A	<i>Andrea Fraser</i>	<i>OA</i>	<i>OM</i>	<i>RISK</i>	<i>GC</i>	<i>10-14-04</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

CO. ATTY. *10/13/04*
FORWARDED
TO CO. ADMIN.
10:35 AM

RECEIVED BY
COUNTY ADMIN:
10/15/04
COUNTY ADMIN
FORWARDED TO: *11* *RR*
3PM

LEE COUNTY
NOTICE OF INTENT TO ENACT A COUNTY ORDINANCE

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on Tuesday, the 26th day of October, 2004, at 5:00 o'clock p.m., in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider the enactment of a County Ordinance pursuant to Article VIII, Section 1, of the Florida Constitution and Chapter 125, Florida Statutes. The title of the proposed County Ordinance is as follows:

AN ORDINANCE ESTABLISHING THE PROCEDURES FOR THE CHARGING AND COLLECTING OF FEES BY THE DISTRICT 21 MEDICAL EXAMINER FOR PROVIDING EXAMINATIONS AND INVESTIGATIONS RELATING TO CREMATION, DISSECTION, AND BURIAL AT SEA; PROVIDING FOR THE ESTABLISHMENT OF A SCHEDULE OF FEES BY RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

1. Copies of this Notice and the proposed Ordinance are on file in the Minutes Office of the Clerk of Courts of Lee County. The public may inspect or copy the proposed Ordinance during regular business hours at the Office of Public Resources. The Minutes Office and Public Resources are located in the Courthouse Administration Building, 2115 Second Street, Fort Myers, Florida. Public Resources is located on the first floor and the Minutes Office is located on the second floor of the Courthouse Administration Building.
2. Interested parties may appear at the meeting in person or through counsel, and be heard with respect to the adoption of the proposed Ordinance.
3. Anyone wishing to appeal the decision(s) made by the Board with respect to any

matter considered at this meeting, will need a record of the proceedings for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

4. The Ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State, or as may be otherwise prescribed in the Ordinance.

5. If you have a disability that will require special assistance or accommodations for your attendance at the public hearing, please call the Lee County Division of Public Resources at 335-2269 for information.

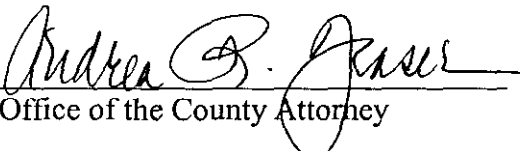
PLEASE GOVERN YOURSELF ACCORDINGLY.

The text of this Notice is in conformance with Section 125.66, Florida Statutes (2003), and other relevant sections of Florida law.

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Charlie Green, Ex-Officio Clerk
to the Board of County Commissioners
of Lee County, Florida

APPROVED AS TO FORM:

By:  _____
Office of the County Attorney

Ad Size: 2 x 5

Publishing Dates: 10/13/04 & 10/20/04

AN ORDINANCE ESTABLISHING THE PROCEDURES FOR THE CHARGING AND COLLECTING OF FEES BY THE DISTRICT 21 MEDICAL EXAMINER FOR PROVIDING EXAMINATIONS AND INVESTIGATIONS RELATING TO CREMATION, DISSECTION, AND BURIAL AT SEA; PROVIDING FOR THE ESTABLISHMENT OF A SCHEDULE OF FEES BY RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 406.11(1)(c), Fla. Stat., requires the District 21 Medical Examiner determine the cause of death for the District by such examinations, investigations, and autopsies as deemed necessary or as shall be requested by the State Attorney when a body is to be cremated, dissected, or buried at sea; and,

WHEREAS, the Board of County Commissioners of Lee County, Florida, approved a contract with the District 21 Medical Examiner which identified the collection of a cremation fee for each cremation certificate issued by the Medical Examiner; and,

WHEREAS, these fees will be used to offset expenses of the Medical Examiner in Lee County; and,

WHEREAS, the Board of County Commissioners of Lee County approved a budget strategy to reduce the cost of the Medical Examiner by the revenues generated by cremation fees; and,

WHEREAS, Chapter 125, Fla. Stat., authorizes the Board of County Commissioners of Lee County, Florida, to adopt Ordinances and Resolutions necessary for the exercise of its

powers.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT THIS ORDINANCE IS ENTITLED, LEE COUNTY CREMATION FEE ORDINANCE.

Section One: **Setting of Fee**

The cremation authorization fee is established at Twenty-Five Dollars (\$25.00) for each cremation approval issued by the Medical Examiner's Office for Lee County.

Section Two: **Severability**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section Three: **Conflicts**

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted Ordinance or Statute, the most restrictive shall apply.

Section Four: **Effective Date**

This Ordinance will become effective November 1, 2004.

The foregoing Ordinance was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and being put to a vote, the vote was as follows:

BOB JANES _____
DOUGLAS ST. CERNY _____
RAY JUDAH _____
ANDREW COY _____
JOHN ALBION _____

DULY PASSED AND ADOPTED this ____ day of _____, 20__.

ATTEST: CHARLIE GREEN
CLERK OF THE COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney