

LEE COUNTY RESOLUTION NO. 21-12-09

A RESOLUTION OF THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS RELATING TO AMENDMENTS TO THE LEE COUNTY ADMINISTRATIVE CODE AS ADOPTED BY LEE COUNTY ORDINANCE NO. 97-23; PROVIDING FOR APPROVAL OF CERTAIN AMENDMENTS TO THE LEE COUNTY ADMINISTRATIVE CODE PERTAINING TO MEDICAL EXAMINER FEES FOR CREMATION AUTHORIZATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Board of County Commissioners (Board) is the governing body in and for Lee County, a political subdivision of the State of Florida; and,

**WHEREAS**, the Board has previously enacted Lee County Ordinance No. 96-01, creating a charter form of government for Lee County pursuant to Section 125.80, et seq., Florida Statutes, and which was approved and ratified by the Electorate of Lee County on November 5, 1996; and,

**WHEREAS**, the Board subsequently repealed and replaced Ordinance No. 96-01, as amended, by enacting Lee County Ordinance No. 08-15, the "Lee County Charter"; and

**WHEREAS**, the Board has previously enacted Lee County Ordinance No. 97-23, which adopted the Lee County Administrative Code pursuant to the Lee County Charter; and,

**WHEREAS**, Lee County Ordinance No. 97-23 at Section III provides that amendments to the Lee County Administrative Code are to be made by Resolution of the Board at a regularly scheduled Board meeting; and,

**WHEREAS**, certain amendments to the Lee County Administrative Code are now proposed, and the Board finds that the proposed amendments are acceptable, serve a public purpose and are consistent with the terms and conditions of the Lee County Charter.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS THAT:**

1. The above preamble is hereby accepted and approved as true and accurate, and is adopted and incorporated herein as if set out further at length.
2. The proposed amendment to Lee County Administrative Code AC-3-10 pertaining to External Fees and Charges Manual, EX 17-2, Medical Examiner Cremation Authorization Fee (attached hereto as Exhibit A), is approved, and is hereby directed to be incorporated into the Lee County Administrative Code as indicated in the amendment(s).
3. The provisions of this Resolution are severable, and it is the intention to confer to the whole or any part of this Resolution, the powers herein provided for. If any provision of this Resolution is held unconstitutional by a court of competent jurisdiction, the decision of such court will not affect or impair the remaining provisions of this Resolution. It is hereby declared to be the Board's legislative intent that this Resolution would have been adopted had such an unconstitutional provision not been included herein.
4. To the extent that there are typographical and/or administrative errors that do not change the tone, tenor or concept of this Resolution, then this

Resolution may be revised without subsequent approval by the Board of County Commissioners.

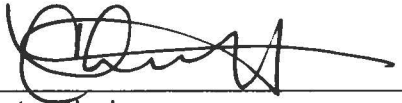
5. This Resolution will become effective immediately upon its adoption by the Board of County Commissioners.

Commissioner Hamman made a motion to adopt the foregoing resolution. The Motion was seconded by Commissioner Ruane. The vote was as follows:

Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 7<sup>th</sup> day of December, 2021.

ATTEST:  
LINDA DOGGETT, CLERK

By:   
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By:   
Cecil L Pendergrass, Chair  
Commissioner Cecil L Pendergrass, Chairman  
Lee County Board of County Commissioners  
District 2

APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY:

By:   
Office of the County Attorney



**DEPARTMENT:** Medical Examiner **EXTERNAL FEE NUMBER: EX 17-2**  
**DIVISION:** Medical Examiner  
**PURPOSE:** Cremation Authorization Fee  
**BASIS FOR FEE:** Ordinance 04-19; 06-01; 10-44; 12-22; 15-07  
**DATE APPROVED:** 10/26/04; 1/10/06; 11/23/10; 9/25/12; 4/21/15

**FEE SCHEDULE**

Cremation Fee imposed on all Funeral Homes.....~~\$50.00~~ **\$60.00** per authorization

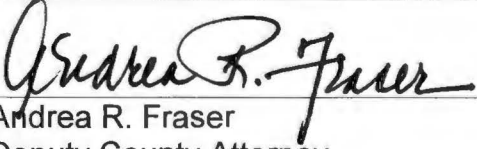
Late Payment Fee: Invoices 30-59 days late: \$10 late fee assessed  
Invoices 60-89 days late: \$25 late fee assessed  
Invoices 90-119 days late: \$50 late fee assessed  
Invoices 120 or longer: Additional \$75 late fee (on top of \$50)

**MEMORANDUM  
FROM THE  
OFFICE OF COUNTY ATTORNEY**

VIA HAND DELIVERY

DATE: December 7, 2021

TO: Commissioner L Pendergrass  
Chair, Board of County  
Commissioners

FROM:   
Andrea R. Fraser  
Deputy County Attorney

RE: **Medical Examiner Cremation Fee Ordinance 21-16 and  
Resolution 21-12-09 Amending AC 3-10, External Fee Manual EX 17-2  
Agenda Item PH #4, December 7, 2021**

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Attached, approved as to form, please find the original of the above-referenced ordinance and resolution adopted by the Board of County Commissioners on December 7, 2021.

The original ordinance and resolution are attached to the memorandum for execution. Kindly execute the documents at your earliest convenience and then forward to the Minutes Department for filing and transmittal of the ordinance to Tallahassee.

By copy of this memorandum to Eileen Gabrick, I request that a clerk attest to the Chair's signature on the attached ordinance and resolution. Kindly return the fully executed ordinance and resolution with all exhibits to my attention via email.

Insofar as State Statute mandates that the ordinance reach Tallahassee within ten (10) days of the adoption, please expedite the above request so that the ordinance arrives in Tallahassee no later than December 17, 2021.

Also attached please find the ordinance Data Retrieval form. Kindly include this ordinance in the Lee County Ordinance History.

Thank you for your prompt attention to this matter.

Attachment

VIA EMAIL ONLY:

Laurel Chick, Manager, Internal Services  
Joyce Conatser, Senior Fiscal Officer  
Samantha Westen, Executive Assistant  
Rose Bahena, Administrative Specialist, Senior  
Eileen Gabrick, Office Manager, Minutes Department  
Andrea Eggen, Legal Administrative Specialist (for ordinance history)

2021 DEC 8 - 8 AM 10:07

RECEIVED  
MINUTES OFFICE



**AGENDA ITEM REPORT**

**DATE:** December 7, 2021  
**DEPARTMENT:** County Attorney  
**REQUESTER:** Andrea Fraser  
**TITLE:** Public Hearing: Amend Medical Examiner Cremation Fee Ordinance

**I. MOTION REQUESTED**

Conduct Public Hearing amending Lee County Cremation Fee Ordinance No. 15-07, increasing the fee from \$50 to \$60; and adopt a Resolution amending Lee County Administrative Code AC-3-10, the External Fees and Charges Manual, in order to update Section EX 17-0 Medical Examiner.

**II. ITEM SUMMARY**

This item increases the cremation fee imposed on all funeral homes from \$50 to \$60 per Medical Examiner authorization for the cremation. The last time the fee was increased was April 2015. The Medical Examiner is requesting the increase to help defray costs of providing the cremation authorizations, including staff time of physicians and forensic investigators, and storage of records in accordance with state regulations. This increase will reduce the general subsidy for the authorizations as a cremation authorization, on average, is estimated to cost between \$163 and \$175.

**III. BACKGROUND AND IMPLICATIONS OF ACTION**

A) Board Action and Other History

The Board of County Commissioners adopted Lee County Ordinance No. 04-19, the "Lee County Cremation Fee Ordinance", on October 24, 2004 and subsequently amended the ordinance by adopting Lee County Ordinance No. 10-44 on November 23, 2010, Lee County Ordinance No. 12-22 on September 25, 2012, and Lee County Ordinance 15-07 on April 21, 2017. Section One, "Setting of Fees" of Lee County Ordinance No. 15-07, as amended, set the District 21 Medical Examiner's Fee for cremation authorizations at Fifty Dollars (\$50.00); and, establishes collection fees for late payments.

The Medical Examiner has contacted Lee County to request it update Section One, "Setting the Fees", to increase the fee to help defray the rising costs involved with cremation approvals.

B) Policy Issues

C) BoCC Goals

D) Analysis

E) Options

**IV. FINANCIAL INFORMATION**

A)	Current year dollar amount of item:	No funding required.
B)	Is this item approved in the current budget?	No
C)	Is this a revenue or expense item?	Revenue
D)	Is this Discretionary or Mandatory?	Discretionary
E)	Will this item impact future budgets? If yes, please include reasons in III(D) above.	Yes
F)	Fund: General Fund Program: Project: Account Strings:	
G)	Fund Type?	General Fund
H)	Comments:	

**V. RECOMMENDATION**

Approve

**VI. TIMING/IMPLEMENTATION**

**VII. FOLLOW UP**

**ATTACHMENTS:**

Description	Upload Date	Type
<u>Memo Increase Cremation Fees</u>	11/9/2021	Cover Memo
<u>Draft Ordinance - Cremation Fee Update</u>	11/9/2021	Ordinance
<u>Draft Resolution - Cremation Fee Update</u>	11/9/2021	Resolution
<u>External Fee EX17-2 Exhibit A Strikethrough</u>	11/10/2021	Exhibit
<u>FAIS Form Medical Examiner Fees</u>	11/15/2021	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
County Attorney	Wesch, Richard Wm.	Approved	11/9/2021 - 4:26 PM
Budget Services	Guttery, Angela	Approved	11/18/2021 - 2:25 PM
Budget Services	Winton, Peter	Approved	11/18/2021 - 3:51 PM
County Attorney	Fraser, Andrea R.	Approved	11/18/2021 - 4:14 PM
County Manager	Winton, Peter	Approved	11/19/2021 - 8:32 AM