

LEE COUNTY ORDINANCE NO. 21-16

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AMENDING LEE COUNTY ORDINANCE NO. 04-19, AS AMENDED BY ORDINANCE NO. 15-07, RELATING TO CHARGING AND COLLECTING OF FEES BY THE DISTRICT 21 MEDICAL EXAMINER FOR PROVIDING EXAMINATIONS AND INVESTIGATIONS RELATING TO CREMATION, DISSECTION, AND BURIAL AT SEA; INCREASING THE FEES FROM FIFTY DOLLARS (\$50.00) TO SIXTY DOLLARS (\$60.00); PROVIDING FOR THE ESTABLISHMENT OF A SCHEDULE OF FEES BY RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING.

WHEREAS, the Board of County Commissioners of Lee County, Florida, previously adopted Ordinance No. 04-19, relating to the cremation fee; and,

WHEREAS, the Board of County Commissioners of Lee County, Florida, subsequently amended Ordinance No. 04-19 by Ordinance No. 15-07; and,

WHEREAS, the Board of County Commissioners of Lee County, Florida, now desires to amend Lee County Ordinance No. 15-07 in order to increase the fee from Fifty Dollars (\$50.00) to Sixty Dollars (\$60.00).

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA THAT:

**SECTION ONE:**

This Ordinance amends Lee County Ordinance No. 15-07, as set forth herein. The amendments and revisions set forth in the following Sections are hereby adopted, with strike-through type being the language deleted and underlined text being language added.

**SECTION TWO:**

Section One of Lee County Ordinance No. 15-07, is hereby further amended to read as follows:

**SECTION ONE: SETTING OF FEE**

The cremation authorization fee is established at ~~Fifty Dollars (\$50.00)~~ Sixty Dollars (\$60.00) for each cremation approval issued by the Medical Examiner's Office for Lee County.

**SECTION THREE:**

Section Four of Lee County Ordinance No. 15-07, is hereby further amended to read as follows:

**SECTION FOUR: EFFECTIVE DATE**

This ordinance will become effective ~~June 1, 2015~~ January 1, 2022.

**SECTION FOUR: MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING**

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

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

Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Ray 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



  
Office of the County Attorney



FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

December 9, 2021

Honorable Linda Doggett  
Clerk of the Circuit Courts  
Lee County  
Post Office Box 2469  
Fort Myers, Florida 33902-2469

Attn: Mr. Christopher Jagodzinski

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Lee County Ordinance No. 21-16, which was filed in this office on December 9, 2021.

Sincerely,

Anya Owens  
Program Administrator

AO/lb

**RECEIVED**

*By Chris Jagodzinski at 4:07 pm, Dec 09, 2021*

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM  
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 21-16

(e.g., 93-001)

PRIMARY KEYFIELD  
DESCRIPTOR: Fees

SECONDARY KEYFIELD  
DESCRIPTOR: \_\_\_\_\_

OTHER KEYFIELD  
DESCRIPTOR: \_\_\_\_\_

ORDINANCE DESCRIPTION: Cremation Fees Ord  
(25 Characters Maximum Including Spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT #1: 12-22 AMENDMENT #2: 15-07

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL #1: \_\_\_\_\_ ; REPEAL #3: \_\_\_\_\_  
REPEAL #2: \_\_\_\_\_ ; REPEAL #4: \_\_\_\_\_

(Others Repealed: List All That Apply): \_\_\_\_\_

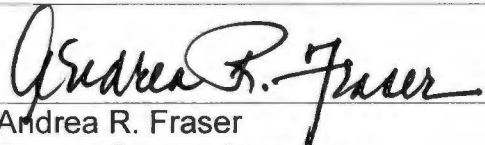
(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: \_\_\_\_\_  
KEYFIELD 1 CODE: \_\_\_\_\_ KEYFIELD 2 CODE: \_\_\_\_\_  
KEYFIELD 3 CODE: \_\_\_\_\_

**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 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