

**BOARD OF COUNTY COMMISSIONERS**

DATE: October 20, 2009  
AGENDA ITEM NO. 28

Consent Agenda

Regular Agenda

Public Hearing

County Administrator's Signature *BSA*

Subject:

*Public* Public Hearing and Adoption of the Proposed Amendment to Ordinance No. 07-43, Pinellas County Code, Section 42-441, for the Establishment of a Fee for Providing Examinations and Investigations Relating to Cremation, Dissection, and Burial At Sea

Department:

Justice and Consumer Services / County Attorney

Staff Member Responsible:

Tim L. Burns / Carl E. Brody, Jr.

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) RECEIVE PUBLIC COMMENT AND ADOPT THE PROPOSED CHANGES TO ORDINANCE 07-43, PINELLAS COUNTY CODE, SECTION 42-441, FEE FOR MEDICAL EXAMINER SERVICES.

Summary Explanation/Background:

On October 6, 2009, the Board approved the advertisement of the attached proposed ordinance for a public hearing on October 20, 2009. Section 406.11(1)(c), Florida Statutes (2006), requires the Medical Examiner for District 6 to determine the cause of death for Pinellas County (County) by such examinations, instigations, 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. On September 18, 2007, the Board approved a \$35.00 fee to be charged as the County reimburses the Medical Examiner for the cost of providing cremation approval services. The fee charged shall not exceed the cost to the County. After a review by the Pinellas County Department of Justice and Consumer Services, it has been determined that the fee for cremation approvals is not currently satisfying the County's expense. It is recommended that the fee be increased to \$40.00 in order to provide additional funds to more adequately cover the costs of reimbursing the Medical Examiner for cremation approvals. Subsequent changes to this fee shall be made by resolution of the Board of County Commissioners.

Fiscal Impact/Cost/Revenue Summary:

The estimated revenue from the proposed ordinance is approximately \$320,000.00.

Exhibits/Attachments Attached:

Ordinance Review Form  
Proposed Ordinance  
Cost Analysis  
~~Strike-through ordinance~~  
copy of ordinance 07-43

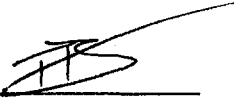
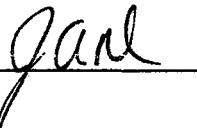

**ORDINANCE REVIEW FORM**

Type of Resolution or Ordinance: Proposed Ordinance Amendment Establishing Fee for Providing Examinations and Investigations Relating to Cremation, Dissection, and Burial At Sea.

Estimated Revenue or Expenditure: \$320,000.00

Available Budget: N/A

The attached documentation is submitted for your review and comment. Upon finalization of your review, please complete this Review Form below and forward to the next Review Authority on the list.

<u>REVIEW AUTHORITY</u>	<u>REVIEW DATE</u>	<u>SIGNATURE</u>	<u>COMMENTS</u>	<u>COMMENTS ADDRESSED ORIGINATOR'S INITIALS &amp; DATE</u>
<u>Originating Department</u> Justice & Consumer Services Tim L. Burns	9/15/09			TB 9/21/09
<u>Asst. County Administrator</u> James A. Dates	9/17/09			
<u>County Attorney</u> Carl E. Brody	9/16/09		-TB memo OK	

Please return to Justice and Consumer Services by September 17, 2007. All inquiries should be made to Vivian Sierchio, at ext. 37437. Thank you.

30928

ORDINANCE NO. 09-\_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF PINELLAS AMENDING THE PINELLAS COUNTY CODE BY REVISING ARTICLE IX, PROVIDING AN AMENDMENT TO THE FEE FOR MEDICAL EXAMINER SERVICES PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OTHER MODIFICATIONS WHICH MAY ARISE FROM REVIEW OF THE ORDINANCE WITH RESPONSIBLE AUTHORITIES.

WHEREAS, the Pinellas County Department of Justice and Consumer Services has undertaken a review of its Ordinances; and

WHEREAS, it has been determined that the fee for cremation approvals is not currently satisfying the County standard for recipients of services bearing the cost of the benefits received; and

WHEREAS, this Amendment will provide additional funds to cover the costs of reimbursing the Medical Examiner for cremation approvals; and

WHEREAS, the additional cost provided for in this Amendment will not exceed the cost to the County for the above services; and

WHEREAS, this Amendment will not affect enforcement of the subject Ordinance consistent with the safety, health and welfare of the citizens of Pinellas County.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida, duly assembled on this \_\_\_\_ day of \_\_\_\_\_, 2009, as follows:

Section 1.

Section 42-441 of the Pinellas County Code is hereby amended to read as follows:

Section 42-441. Fee for Medical Examiner Services.

Every person shall pay a \$40.00 fee for service and records provided by the Medical Examiner for District Six relating to the cremation, dissection or burial at sea of a

deceased human body. Subsequent changes to this fee shall be made by resolution of the Board of County Commissioners.

Section 2. Severability.

If any section, subsection, sentence, clause or phrase of this article, amendment or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining section, subsection, sentence, clause or phrase and application shall not be affected thereby.

Section 3. Area Embraced.

This article shall be in effect in all municipalities and unincorporated areas within Pinellas County.

Section 4. Codification.

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

Section 5. Filing Of Ordinance; Effective Date.

Pursuant to Section 125.66, Florida Statutes (2009), a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners and shall become effective upon filing with the Department of State.

## Cremation Fee Cost Analysis

Calculations based upon approximately 8000 cremations per year.

Personnel Costs - 90% are routine approvals, 10% require additional investigation,

**Cremation Approvals**      1% potential lengthy investigation process

\$130,200	Doctor
\$21,000	Investigator
\$19,176	Secretary
\$1,000	Chief Investigator/Medical Examiner

**Cremation Material Received/Generated**      Average three pages per cremation, facsimiles, and facilitation

\$14,400	Facsimiles/Copies
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**Records Salary, Benefits, Records Management**

\$7,000	Record Retention and Destruction
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**Technology Support Network Support, Maintenance, Electronic Communications**

\$26,700	15% of Annual Technology Cost Allocation
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**Telephone Services Cost Allocation**

\$1,300	5% of Annual Telephone Services Allocation
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**Facility Management**

\$50,003	5% of Annual Facility Maintenance
\$16,000	Annual Facility Cost

**Liability Coverage**

\$1,500	5% of Liability Coverage
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**Risk and Property Insurance**

\$1,832	5% of Risk and Property Insurance Allocation
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**Finance Billing, Oversight, and Facilitation**

\$2,240	Medical Examiner's Office administrative time related to the billing process
\$28,667	Justice and Consumer Services Billing and Facilitation
\$2,000	Creation/maintenance of billing technology at Justice and Consumer Services

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**\$323,018**

ORDINANCE NO. 09-\_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF PINELLAS AMENDING THE PINELLAS COUNTY CODE BY REVISING ARTICLE IX, PROVIDING AN AMENDMENT TO THE FEE FOR MEDICAL EXAMINER SERVICES PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OTHER MODIFICATIONS WHICH MAY ARISE FROM REVIEW OF THE ORDINANCE WITH RESPONSIBLE AUTHORITIES.

WHEREAS, the Pinellas County Department of Justice and Consumer Services has undertaken a review of its Ordinances; and

WHEREAS, it has been determined that the fee for cremation approvals is not currently satisfying the County standard for recipients of services bearing the cost of the benefits received; and

WHEREAS, this Amendment will provide additional funds to cover the costs of reimbursing the Medical Examiner for cremation approvals; and

WHEREAS, the additional cost provided for in this Amendment will not exceed the cost to the County for the above services; and

WHEREAS, this Amendment will not affect enforcement of the subject Ordinance consistent with the safety, health and welfare of the citizens of Pinellas County.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida, duly assembled on this \_\_\_\_ day of \_\_\_\_\_, 2009, as follows:

Section 1.

Section 42-441 of the Pinellas County Code is hereby amended to read as follows:

Section 42-441. Fee for Medical Examiner Services.

Every person shall pay a ~~\$35.00~~ \$40.00 fee for service and records provided by the Medical Examiner for District Six relating to the cremation, dissection or burial at sea of a

deceased human body. Subsequent changes to this fee shall be made by resolution of the Board of County Commissioners.

Section 2.     Severability.

If any section, subsection, sentence, clause or phrase of this article, amendment or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining section, subsection, sentence, clause or phrase and application shall not be affected thereby.

Section 3.     Area Embraced.

This article shall be in effect in all municipalities and unincorporated areas within Pinellas County.

Section 4.     Codification.

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

Section 5.     Filing Of Ordinance; Effective Date.

Pursuant to Section 125.66, Florida Statutes (2009), a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners and shall become effective upon filing with the Department of State.

**PINELLAS COUNTY ORDINANCE NO. 07-43**

AN ORDINANCE RELATING TO PUBLIC HEALTH AND SAFETY; CREATING ARTICLE XI OF CHAPTER 42 OF THE PINELLAS COUNTY CODE; ESTABLISHING A FEE FOR PROVIDING EXAMINATIONS AND INVESTIGATIONS RELATING TO CREMATION, DISSECTION, AND BURIAL AT SEA; PROVIDING FOR COUNTYWIDE APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR CODIFICATION; PROVIDING FOR CHANGES TO THE DRAFT ORDINANCE BASED UPON INPUT FROM RESPONSIBLE AUTHORITIES

WHEREAS, Section 406.11(1)(c), Florida Statutes (2006), requires the Medical Examiner for District 6 to determine the cause of death for Pinellas County by such examinations, instigations, 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;

WHEREAS, the Pinellas County Board of County Commissioners has determined that recipients of County paid services should bear the costs of the benefits received through appropriate fees; and

WHEREAS, the County currently reimburses the Medical Examiner for the cost of providing cremation approvals, but no fee is charged by the County to the beneficiaries of this service; and

WHEREAS, the fee to be charged does not exceed the cost to the County; and

WHEREAS, Section 125.01, Florida Statutes (2006), authorizes the Board of County Commissioners to adopt ordinances necessary for the exercise of its powers.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, that:

Section 1. Article XI of Chapter 42 of the Pinellas County Code is created to read as follows:

Section 42-410 Purpose and Intent

It is the intent of the Pinellas County Board of County Commissioners to establish a fee to be charged by the Department for the cremation, dissection, and burial-at-sea of deceased bodies under the care of the Medical Examiner for District Six.

Section 42-411 Fee for Medical Examiner Services

FILED  
2007 SEP 28 AM 9:23  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

Every person shall pay a \$35.00 fee for services and records provided by the Medical Examiner for District Six relating to the cremation, dissection or burial at sea of a deceased human body.

**Section 42-412 Use of Collected Fees**

All fees collected pursuant to this ordinance shall be used to recover costs previously paid to the Medical Examiner's Office for the provision of services relating to the cremation, dissection or burial at sea.

**Section 2. Areas Embraced.**

The provisions of this Ordinance shall apply to all the municipalities and unincorporated areas within Pinellas County.

**Section 3. Severability.**

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

**Section 4. Inclusion in the Pinellas County Code.**

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

**Section 5. Filing of Ordinance; Effective Date.**

Pursuant to Section 125.66, Florida Statutes (2006), a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Pinellas County Board of County Commissioners within ten (10) days after enactment by the Pinellas County Board of County Commissioners, and shall become effective upon filing with the Department of State.

STATE OF FLORIDA

COUNTY OF PINELLAS

I, KEN BURKE, Clerk of the Circuit Court and Ex-officio Clerk to the Board of County Commissioners, in and for the State and County aforesaid, DO HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners of Pinellas County, Florida, on September 18, 2007 relative to:

**PINELLAS COUNTY ORDINANCE NO. 07-43**

AN ORDINANCE RELATING TO PUBLIC HEALTH AND SAFETY; CREATING ARTICLE XI OF CHAPTER 42 OF THE PINELLAS COUNTY CODE; ESTABLISHING A FEE FOR PROVIDING EXAMINATIONS AND INVESTIGATIONS RELATING TO CREMATION, DISSECTION, AND BURIAL AT SEA; PROVIDING FOR COUNTYWIDE APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR CODIFICATION; PROVIDING FOR CHANGES TO THE DRAFT ORDINANCE BASED UPON INPUT FROM RESPONSIBLE AUTHORITIES

IN WITNESS WHEREOF, I hereunto set my hand and official seal this September 25, 2007.

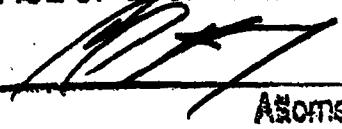
KEN BURKE  
Clerk of the Circuit Court  
and Ex-officio Clerk to the  
Board of County Commissioners

By:

  
Linda R. Reed, Deputy Clerk



APPROVED AS TO FORM  
OFFICE OF COUNTY ATTORNEY

By  \_\_\_\_\_  
Attorney