

LEE COUNTY ORDINANCE NO. 15-07

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AMENDING LEE COUNTY ORDINANCE NO. 04-19, AS AMENDED BY ORDINANCE NO. 12-22, 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 FORTY-FIVE DOLLARS (\$45.00) TO FIFTY DOLLARS (\$50.00); ESTABLISHING COLLECTION FEES FOR LATE PAYMENTS; 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. 12-22, amended September 25, 2012; and,

WHEREAS, the Board of County Commissioners of Lee County, Florida, now desires to amend Lee County Ordinance No. 12-22 in order to increase the fee from Forty-Five Dollars (\$45.00) to Fifty Dollars (\$50.00); and,

WHEREAS, The Board of County Commissioners of Lee County, Florida, allow a late payment fee to be assessed for cremation invoices in arrears for 30 or more days.

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. 12-22, 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. 12-22, is hereby further amended to read as follows:

**SECTION ONE: SETTING OF FEE**

The cremation authorization fee is established at ~~Forty Five Dollars (\$45.00)~~ Fifty Dollars (\$50.00) for each cremation approval issued by the Medical Examiner's Office for Lee County.

A late payment fee will be assessed for cremation invoices in arrears for 30 or more days.

**SECTION THREE:**

Section Four of Lee County Ordinance No. 12-22, is hereby further amended to read as follows:

**SECTION FOUR: EFFECTIVE DATE**

This ordinance will become effective ~~January 1, 2013~~ June 1, 2015.

**SECTION FOUR:**

Section Five is hereby added:

**SECTION FIVE: 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.

(Balance of Page Left Intentionally Blank)

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

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 21<sup>st</sup> day of April, 2015.

ATTEST:  
LINDA DOGGETT, CLERK

BY: Marcia Wilson  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: [Signature]  
Brian Hamman, Chair  
Frank Mann V. Chair

APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

[Signature]  
Office of the County Attorney





**FLORIDA DEPARTMENT of STATE**

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

April 23, 2015

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

Attention: Marcia Wilson

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy for Lee County Ordinance No. 15-07, which was filed in this office on April 23, 2015.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

RECEIVED  
MINUTES OFFICE  
2015 APR 23 PM 4:32  
APR 23 PM 4:32

**LEE COUNTY RESOLUTION NO. 15-04-07**

**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 Mann made a motion to adopt the foregoing resolution. The Motion was seconded by Commissioner Manning. The vote was as follows:

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 21<sup>st</sup> day of April, 2015.

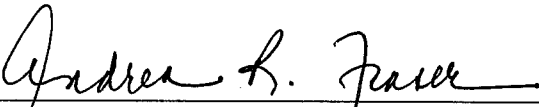
ATTEST:  
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Brian Hamman, Chair

APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

  
\_\_\_\_\_  
Office of the County Attorney

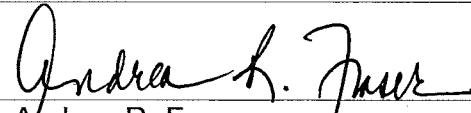
**MEMORANDUM  
FROM THE  
OFFICE OF COUNTY ATTORNEY**

VIA EMAIL ONLY

DATE: April 27, 2015

TO: Distribution Below

FROM:

  
Andrea R. Fraser  
Deputy County Attorney

RE: **Medical Examiner Fees Ordinance, Ord #15-07**

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On April 21, 2015 the Lee County Board of County Commissioners adopted Lee County Ordinance No. 15-07, Medical Examiner Fees Ordinance. Lee County Ordinance No. 15-0-7 carries an effective date as follows:

“This ordinance will become effective June 1, 2015.”

Ordinance No. 15-07 was filed in the Office of the Secretary of the Florida Department of State on April 23, 2015.

Please contact me if you have any questions.

ARF:tlb  
Attachment

cc via email only:

Richard Wm. Wesch, County Attorney  
Michael D. Jacob, Managing Assistant County Attorney  
Gregory Hagen, Sr. Asst. Port Authority County Attorney  
John Fredyma, Senior Assistant County Attorney  
Neysa Borkert, Assistant County Attorney  
Roger Desjarlais, County Manager  
Glen Salyer, Interim Director, Economic Dev.  
Mary Gibbs, Director, Dept. of Community Dev.  
Ben Dickson, Acting Director, Dev. Services Div.  
Linda Doggett, Clerk of Courts  
Rick Roberts, Chief Code Enforcement Officer  
Donna Marie Collins, Hearing Examiner

Rob Farmer, Director, Public Safety  
Pam Houck, Dir. of Zoning, Dev. Services Div.  
David Loveland, Director, LDOT  
Paul O'Connor, Director, Planning Division  
Debra Coveau, Receptionist to County Commissioners  
Nettie Richardson, Principal Planner, DCD  
Brandon Dunn, DCD/Planning  
Janet Miller, Planning Division (for LPA purposes)  
Karen Hutcherson, Manager, Permitting Systems, DCD  
Audra Ennis, Impact Fee Coordinator  
Audrey Vance, Esq., City Atty, City of Bonita Springs  
Melissa Sharnsky ([Melissa.Sharnsky@henlaw.com](mailto:Melissa.Sharnsky@henlaw.com))  
Rebecca A. Hamilton, M.D., District Medical Examiner  
([me21@leegov.com](mailto:me21@leegov.com))