



**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
Capital Expenditures					
Operating Costs					
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)					
In-Kind Match (County)					
<b>NET FISCAL IMPACT</b>	<b>* -0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

# ADDITIONAL FTE  
POSITIONS (Cumulative)

Is Item Included In Current Budget? Yes X No \_\_\_\_\_  
Budget Account No.: Fund 0001 Agency 670 Org. 4100 Object 4141  
Reporting Category

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

✧ There is no fiscal impact.

**C. Departmental Fiscal Review:**

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Development and Control Comments:**

*Atwillhite 8.7.08*

OFMB

*8/8 8/7/08*

*8/6/08*

*Ann J. Jacoby 8/11/08*  
Contract Dev. and Control  
*L. Jones 8/11/08*

**B. Legal Sufficiency:**

*[Signature]* 8/11/08

Assistant County Attorney

**C. Other Department Review:**

Department Director

REVISED 9/95  
ADM FORM 01

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

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ORDINANCE NO. 2008 –

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, TO BE KNOWN AS THE PALM BEACH COUNTY MEDICAL EXAMINER ORDINANCE, AMENDING PALM BEACH COUNTY CODE CHAPTER 13 (Ord. No. 99-7); AMENDING SECTION 4, PROVIDING FOR MEDICAL EXAMINER ASSOCIATES; AMENDING SECTION 6, PROVIDING FOR FEES, COMPENSATION, AND EXPENSES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Palm Beach County is a home rule Charter County, pursuant to Article VIII, Section 1 of the Florida Constitution (1968); and

**WHEREAS**, Chapter 125, Florida Statutes, authorizes the Board of County Commissioners of Palm Beach County to adopt ordinances necessary for the exercise of its powers; and

**WHEREAS**, Chapter 406, Florida Statutes, creates medical examiner districts within the State of Florida and sets forth the procedures for appointment of a District Medical Examiner for Palm Beach County; and

**WHEREAS**, Chapter 406, Florida Statutes, authorizes the appointment of a Medical Examiner for charter counties by local ordinance; and

**WHEREAS**, Section 406.17, Florida Statutes, provides that Medical Examiners established pursuant to the provisions of an ordinance enacted by a home rule Charter County shall also serve as the District Medical Examiner under Chapter 406, Florida Statutes; and

**WHEREAS**, the Board of County Commissioners of Palm Beach County finds and declares that the local appointment of a Medical Examiner is in the best interest of the citizens of Palm Beach County; and

**WHEREAS**, it is the intent of the Palm Beach County Board of County Commissioners to establish a fee to be charged by the Medical Examiner for the cremation, dissection, and burial-at-sea of deceased bodies of services rendered in providing approvals.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

1 **Section 1. SHORT TITLE: PURPOSE.**

2 A. This Ordinance shall be known as the "Palm Beach County Medical  
3 Examiner Ordinance."

4 B. The primary purpose of this Ordinance is to provide for the local  
5 appointment of the Medical Examiner by the Board of County  
6 Commissioners.

7 **Section 2. MISCELLANEOUS PROVISIONS.**

8 A. The recitations set forth in the "WHEREAS" paragraphs above are  
9 incorporated herein by reference as findings upon which this Ordinance  
10 is based.

11 B. This Ordinance shall be liberally construed to affect the purpose set forth  
12 herein.

13 C. Notwithstanding anything herein to the contrary, the Medical Examiner  
14 shall comply with all applicable provisions of Chapter 406, Florida  
15 Statutes, and Chapter 11G, Florida Administrative Code, adopted herein  
16 by reference as the same now exist and may hereafter be amended.

17 **Section 3. AUTHORITY.**

18 This Ordinance is adopted pursuant to Article VIII, Section 1 of the Florida  
19 Constitution, the Palm Beach County Charter, Chapter 125, Florida Statutes, and  
20 Chapter 406, Florida Statutes.

21 **Section 4. MEDICAL EXAMINER; ASSOCIATES.**

22 A. The Board of County Commissioners shall appoint a Medical Examiner  
23 who shall serve as the District 15 Medical Examiner. In making its  
24 appointment, the County may seek the assistance of the State of Florida  
25 Medical Examiner's Commission. The Board of County Commissioners  
26 shall establish the term of appointment of the Medical Examiner.

27 B. The Medical Examiner shall be a physician in Pathology, licensed or  
28 license eligible in the State of Florida.

29 C. The Medical Examiner may appoint such Associate Medical Examiners  
30 as are reasonably necessary to fulfill the duties set forth herein. The  
31 County may permit the Medical Examiner to employ, contract or agree

1 independently with each Associate Medical Examiner, and be  
2 responsible for their remuneration (including all taxes, benefits and  
3 withholding). However, the County may opt to employ, contract or agree  
4 independently to compensate, or confer benefits on any Associate  
5 Medical Examiner, except as may hereafter be provided. All Associate  
6 Medical Examiners shall serve at the pleasure of the Medical Examiner.

7 D. The Medical Examiner and his/her Associate Medical Examiners may  
8 engage in the private practice of medicine or surgery, if licensed  
9 pursuant to Chapter 458 or Chapter 459, Florida Statutes, provided such  
10 private practice does not interfere with their duties as prescribed herein.

11 E. The Medical Examiner and all Associate Medical Examiners are public  
12 officers for purposes of Part III of Chapter 112, Florida Statutes, and the  
13 standards of conduct prescribed therein.

14 F. The County shall not be deemed to assume any liability for the acts,  
15 omissions or negligence of the Medical Examiner, Associate Medical  
16 Examiners and their agents, servants and employees (if any) unless the  
17 Medical Examiner and Associate Medical Examiners are considered  
18 employees of the Board of County Commissioners.

19 G. The County Administrator or his/her designee shall act as an  
20 administrative liaison to the Medical Examiner. The Liaison shall ensure  
21 that the Medical Examiner is provided all reasonable supplies, support  
22 staff and equipment necessary for the performance of the duties of the  
23 Medical Examiner.

24 **Section 5. FUNCTIONS AND DUTIES OF THE MEDICAL EXAMINER.**

25 A. The Medical Examiner shall be responsible for the performance of all  
26 functions, duties and obligations of the District Medical Examiner set  
27 forth in Chapter 406, Florida Statutes, and Chapter 11G, Florida  
28 Administrative Code.

29 B. The Medical Examiner shall maintain liaison with associated agencies  
30 and news media.

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- C. The Medical Examiner shall attend death scenes when requested, and as necessary.
- D. The Medical Examiner and Associate Medical Examiners shall testify in court, give depositions and appear before the Grand Jury, when requested, for criminal trials without additional compensation. The Medical Examiner and Associate Medical Examiners may receive compensation for such civil trial activities as provided by law and authorized by the Board of County Commissioners.
- E. The Medical Examiner shall submit an annual budget to the Board of County Commissioners.

**Section 6. FEES, COMPENSATION AND EXPENSES.**

- A. The Medical Examiner shall receive such fees, compensation and expenses as set forth by the Board of County Commissioners.
- B. The Board of County Commissioners, in its sole discretion, shall provide annual funding appropriate to cover all approved fees, compensation, and expenses of the Medical Examiner, subject to the County's annual budget process.
- C. Autopsy and laboratory facilities utilized by the Medical Examiner or his/her Associates may be provided on a permanent or contractual basis by the County.
- D. The Medical Examiner of Palm Beach County shall charge a fee for services rendered to any person in lawful control of a decedent's body, who requests the Medical Examiner, pursuant to Section 406.11(1)(c), Florida Statutes, to approve the performance of a cremation, donation to a medical school for dissection, or burial at sea. The fee shall be in such amount as shall be established by resolution of the Board of County Commissioners. All fees collected pursuant to a resolution enacted pursuant to this Ordinance shall be used exclusively for defraying the Medical Examiner's office's cost in providing cremation, dissection, and burial-at-sea approvals.

1 **Section 7. PROFESSIONAL LIABILITY INSURANCE.**

2 If considered employees of the Board of County Commissioners, the Medical  
3 Examiner and Associate Medical Examiners shall be provided with professional liability  
4 insurance in an amount to be determined by the Board of County Commissioners.  
5 The fees for such insurance shall be paid from funds appropriated by the Board of  
6 County Commissioners, in accordance with Sections 6A. and 6B. of this Ordinance. If  
7 considered independent contractors, the Medical Examiner and Associate Medical  
8 Examiners may be required to obtain professional liability insurance in an amount to  
9 be determined by the Board of County Commissioners.

10 **Section 8. REMOVAL AND SUSPENSION.**

11 A. If considered an independent contractor, the Medical Examiner may be  
12 removed or suspended by the Board of County Commissioners upon at  
13 least thirty (30) days written notice. If considered an employee of the  
14 Board of County Commissioners, the Medical Examiner shall serve at  
15 the pleasure of the County Administrator. As set forth herein, grounds  
16 for removal or suspension shall include, but not be limited to:

- 17 1. malfeasance, misfeasance or nonfeasance;
- 18 2. negligence in the handling of the duties and  
19 responsibilities of the Medical Examiner;
- 20 3. a conviction, plea of guilty or nolo contendere of a  
21 felony; or
- 22 4. removal or suspension through final agency action of the  
23 Medical Examiner's Commission, pursuant to Section 406.075(1), Florida  
24 Statutes, as the same now exists and may hereafter be amended.

25 B. In the event of removal, the Medical Examiner's appointment shall  
26 automatically expire upon the effective date of the removal. During any  
27 period of suspension, the Board of County Commissioners may appoint  
28 a competent physician to act in his/her stead.

29 **Section 9. REPEAL OF LAWS IN CONFLICT.**

30 All local laws and ordinances in conflict with any provision of this Ordinance are  
31 hereby repealed to the extent of any conflict.

1 **Section 10. SEVERABILITY.**

2 If any section, subsection, paragraph, sentence, clause, phrase, or word of this  
3 Ordinance is for any reason held by the Court to be unconstitutional, inoperative or  
4 void, such holding shall not affect the remainder of this Ordinance.

5 **Section 11. INCLUSION IN THE CODE OF LAWS AND ORDINANCES.**

6 The provision of this Ordinance shall become and be made a part of the code of  
7 laws and ordinances of Palm Beach County, Florida. The Sections of the Ordinance  
8 may be renumbered or relettered to accomplish such, and the word "ordinance" may  
9 be changed to "section," "article," or any other appropriate word.

10 **Section 12. EFFECTIVE DATE.**

11 The provisions of this Ordinance shall become effective upon filing with the  
12 Department of State.

13 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm  
14 Beach County, Florida on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

15 SHARON R. BOCK, CLERK &  
16 COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

17  
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19 By: \_\_\_\_\_  
20 Deputy Clerk

By: \_\_\_\_\_  
Addie L. Greene, Chair

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22 APPROVED AS TO FORM AND  
23 LEGAL SUFFICIENCY

24  
25  
26 By: \_\_\_\_\_  
27 County Attorney

28  
29 EFFECTIVE DATE: Filed with the Department of State on the \_\_\_\_\_ day of  
30 \_\_\_\_\_, 2008.



AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, PALM BEACH COUNTY, FLORIDA, TO BE KNOWN AS THE PALM BEACH COUNTY MEDICAL EXAMINER ORDINANCE AMENDING PALM BEACH COUNTY CODE CHAPTER 13; PROVIDING FOR SHORT TITLE AND PURPOSE; PROVIDING FOR MISCELLANEOUS PROVISIONS; PROVIDING FOR AUTHORITY; PROVIDING FOR THE APPOINTMENT OF A MEDICAL EXAMINER AND ASSOCIATE MEDICAL EXAMINERS; PROVIDING FOR FUNCTIONS AND DUTIES OF THE MEDICAL EXAMINER; PROVIDING FOR FEES, COMPENSATION, AND EXPENSES; PROVIDING FOR PROFESSIONAL LIABILITY INSURANCE; PROVIDING FOR REMOVAL AND SUSPENSION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Palm Beach County is a home rule Charter County, pursuant to Article VIII, section 1 of the Florida Constitution (1968); and

WHEREAS, Chapter 125, Florida Statutes authorizes the Board of County Commissioners of Palm Beach County to adopt ordinances necessary for the exercise of its powers; and

WHEREAS, Chapter 406, Florida Statutes creates medical examiner districts within the State of Florida and sets forth the procedures for appointment of a district medical examiner for Palm Beach County; and

WHEREAS, Chapter 406 authorizes the appointment of a medical examiner for Charter Counties by local ordinance; and

WHEREAS, Section 406.17, Florida Statutes provides that medical examiners established pursuant to the provisions of an ordinance enacted by a home rule Charter County shall also serve as the district medical examiner under Chapter 406; and

WHEREAS, the Board of County Commissioners of Palm Beach County finds and declares that the local appointment of a medical examiner is in the best interests of the citizens of Palm Beach County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. SHORT TITLE: PURPOSE.

A. This Ordinance shall be known as the "Palm Beach County

1 Medical Examiner Ordinance Amendment."

2 B. The primary purpose of this Ordinance is to provide for the  
3 local appointment of the medical examiner by the Board of County  
4 Commissioners.

5 **Section 2. MISCELLANEOUS PROVISIONS.**

6 A. The recitations set forth in the "WHEREAS" paragraphs  
7 above are incorporated herein by reference as findings upon which  
8 this Ordinance is based.

9 B. This Ordinance shall be liberally construed to effect  
10 the purpose set forth herein.

11 C. Notwithstanding anything herein to the contrary, the  
12 medical examiner shall comply with all applicable provisions of  
13 Chapter 406, Florida Statutes and Chapter 11G, Florida  
14 Administrative Code, adopted herein by reference as the same now  
15 exist and may hereafter be amended.

16 **Section 3. AUTHORITY.**

17 This Ordinance is adopted pursuant to Article VIII, Section  
18 1 of the Florida Constitution, the Palm Beach County Charter,  
19 Chapter 125, Florida Statutes, and Chapter 406, Florida Statutes.

20 **Section 4. MEDICAL EXAMINER; ASSOCIATES.**

21 A. The Board of County Commissioners shall appoint a  
22 medical examiner who shall serve as the District 15 Medical  
23 Examiner. In making its appointment, the County may seek the  
24 assistance of the State of Florida medical examiner's commission.  
25 The Board of County Commissioners shall establish the term of  
26 appointment of the medical examiner.

27 B. The medical examiner shall be a physician in  
28 Pathology, licensed or license eligible in the State of Florida.

29 C. The medical examiner may appoint such associate medical  
30 examiners as are reasonably necessary to fulfill the duties set  
31 forth herein. The County may permit the medical examiner to  
32 employ, contract or agree independently with each associate medical

1 examiner, and be responsible for their remuneration (including all  
2 taxes, benefits and withholding). However, the County may opt to  
3 employ, contract or agree independently to compensate, or confer  
4 benefits on any associate medical examiner, except as may hereafter  
5 be provided. All associate medical examiners shall serve at the  
6 pleasure of the medical examiner.

7 D. The medical examiner and his/her associate medical  
8 examiners may engage in the private practice of medicine or  
9 surgery, if licensed pursuant to Chapter 458 or Chapter 459,  
10 Florida Statutes, provided such private practice does not interfere  
11 with their duties as prescribed herein.

12 E. The medical examiner and all associate medical examiners  
13 are public officers for purposes of Part III of Chapter 112,  
14 Florida Statutes, and the standards of conduct prescribed therein.

15 F. The County shall not be deemed to assume any liability  
16 for the acts, omissions or negligence of the medical examiner,  
17 associate medical examiners, and their agents, servants and  
18 employees (if any) unless the medical examiner and associate  
19 medical examiners are considered employees of the Board of County  
20 Commissioners.

21 G. The Director of the Department of Public Safety or  
22 his/her designee shall act as an administrative liaison to the  
23 medical examiner. The Liaison shall ensure that the medical  
24 Examiner is provided all reasonable supplies, support staff and  
25 equipment necessary for the performance of the duties of the  
26 medical examiner, and shall provide assistance to the medical  
27 examiner in the preparation of the annual budget for the medical  
28 examiner. The liaison shall be prohibited from interfering with  
29 the performance of the duties of the medical examiner as set forth  
30 in this Ordinance.

31 **Section 5. FUNCTIONS AND DUTIES OF THE MEDICAL EXAMINER.**

32 A. The medical examiner shall be responsible for the

1 performance of all functions, duties and obligations of the  
2 district medical examiner set forth in Chapter 406, Florida  
3 Statutes, and Chapter 11G, Florida Administrative Code.

4 B. The medical examiner shall maintain liaison with  
5 associated agencies and news media.

6 C. The medical examiner shall attend death scenes when  
7 requested and as necessary.

8 D. The medical examiner and associate medical examiners  
9 shall testify in court, give depositions and appear before the  
10 Grand Jury when requested for criminal trials without additional  
11 compensation. The medical examiner and associate medical examiners  
12 may receive compensation for such civil trial activities as  
13 provided by law and authorized by the Board of County  
14 Commissioners.

15 E. The medical examiner shall submit an annual budget to  
16 the Board of County Commissioners.

17 **Section 6. FEES, COMPENSATION, AND EXPENSES.**

18 A. The medical examiner shall receive such fees,  
19 compensation and expenses as set forth by the Board of County  
20 Commissioners.

21 B. The Board of County Commissioners, in its sole  
22 discretion, shall provide annual funding appropriate to cover all  
23 approved fees, compensation, and expenses of the medical examiner,  
24 subject to the County's annual budget process.

25 C. Autopsy and laboratory facilities utilized by the  
26 medical examiner or his/her associates may be provided on a  
27 permanent or contractual basis by the County.

28 **Section 7. PROFESSIONAL LIABILITY INSURANCE.**

29 If considered employees of the Board of County Commissioners,  
30 the medical examiner and associate medical examiners shall be  
31 provided with professional liability insurance in an amount to be  
32 determined by the Board of County Commissioners. The fees for such

1 insurance shall be paid from funds appropriated by the Board of  
2 County Commissioners, in accordance with Sections 6A. And 6B. Of  
3 this Ordinance. If considered independent contractors, the medical  
4 examiner and associate medical examiners may be required to obtain  
5 professional liability insurance in an amount to be determined by  
6 the Board of County Commissioners.

7 **Section 8. REMOVAL AND SUSPENSION.**

8 A. The medical examiner may be removed or suspended by the  
9 Board of County Commissioners upon at least thirty (30) days  
10 written notice. As set forth herein, grounds for removal or  
11 suspension shall include, but not be limited to:

- 12 1. malfeasance, misfeasance or nonfeasance;
- 13 2. negligence in the handling of the duties and  
14 responsibilities of the medical examiner;
- 15 3. a conviction, plea of guilty or nolo  
16 contendere of a felony; or
- 17 4. removal or suspension through final agency  
18 action of the medical examiner's commission, pursuant to section  
19 406.075(1), Florida Statutes, as the same now exists and may  
20 hereafter be amended.

21 B. In the event of removal, the medical examiner's  
22 appointment shall automatically expire upon the effective date of  
23 the removal. During any period of suspension, the Board of County  
24 Commissioners may appoint a competent physician to act in his/her  
25 stead.

26 **Section 9. REPEAL OF LAWS IN CONFLICT.**

27 All local laws and ordinances in conflict with any provision  
28 of this Ordinance are hereby repealed to the extent of any  
29 conflict.

30 **Section 10. SEVERABILITY.**

31 If any section, subsection, paragraph, sentence, clause,  
32 phrase, or word of this Ordinance is for any reason held by the

1 Court to be unconstitutional, inoperative or void, such holding  
2 shall not affect the remainder of this Ordinance.

3 **Section 11. INCLUSION IN THE CODE OF LAWS AND ORDINANCES.**

4 The provision of this Ordinance shall become and be made a  
5 part of the code of laws and ordinances of Palm Beach County,  
6 Florida. The Sections of the Ordinance may be renumbered or  
7 relettered to accomplish such, and the word "ordinance" may be  
8 changed to "section," "article," or any other appropriate word.

9 **Section 12. EFFECTIVE DATE.**

10 The provisions of this Ordinance shall become effective April  
11 1, 1999.

12 **APPROVED AND ADOPTED** by the Board of County Commissioners of  
13 Palm Beach County, on the 16 day of March, 1999.

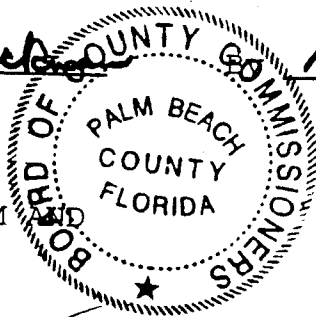
14 DOROTHY H. WILKEN, CLERK

PALM BEACH COUNTY, FLORIDA

15 BY ITS BOARD OF COUNTY COMMISSIONERS

16 By Linda C. Hickman  
17 Deputy Clerk

Maudie Ford Lee  
Chair



18 APPROVED AS TO FORM AND  
19 LEGAL SUFFICIENCY

20 BY [Signature]  
21 COUNTY ATTORNEY

22 Filed with the Department of State on the 22nd day of  
23 March, 1999.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office

on 3/16/99  
DATED at West Palm Beach, FL on 3/31/99  
DOROTHY H. WILKEN, Clerk

By: [Signature] D.C.

# **Summary of Changes to the Medical Examiner Ordinance**

## **Page 1 – lines 31-34 and Page 4, Section 6-D**

Establishes authority to charge fee for services rendered by the Medical Examiner for approvals for cremations, dissections, and burials-at-sea of deceased bodies.

## **Page 3, Section 4-G**

Shows the County Administrator acting as administrative liaison to the Medical Examiner and the Medical Examiner as serving at the pleasure of the County Administrator, instead of the Public Safety Department.