

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)					
NET FISCAL IMPACT	* -0-	-0-	-0-	-0-	-0-

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

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

OFMB
88 8/7/08 *cn 8/6/08*

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

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

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

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

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

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

Section 5. FUNCTIONS AND DUTIES OF THE MEDICAL EXAMINER.

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

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

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

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

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

31

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

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18
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

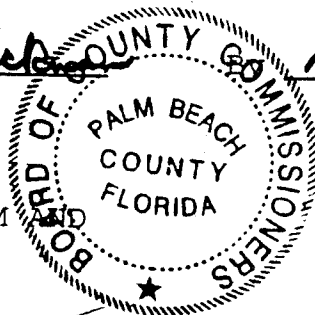
15 BY ITS BOARD OF COUNTY COMMISSIONERS

16 By Linda C. Hirsch
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.