



Agenda Item Summary

File ID: 22-0793

DEPT-9

Meeting Date: 5/3/2022

PLACEMENT: Departmental

TITLE:

DISCUSSION AND APPROVAL OF A RESOLUTION SUPPORTING THE MEDICAL EXAMINER'S NEED FOR A NEW FACILITY TO BE LOCATED ON INDIAN RIVER STATE COLLEGE'S TREASURE COAST PUBLIC SAFETY TRAINING COMPLEX PROPERTY IN FORT PIERCE

EXECUTIVE SUMMARY:

The 19th District Medical Examiner has asked the four counties of the 19th District to consider funding a new facility. Senator Gayle Harrell has requested that each of the counties in the 19th District adopt a resolution to support the request for a new facility and to support requesting funding from State and Federal partners.

DEPARTMENT: Administration

PREPARED BY: **Name:** Taryn G. Kryzda
Title: County Administrator

REQUESTED BY: Senator Gayle Harrell (Resolution)

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

At the October 26, 2021 Treasure Coast Tri-County (Indian River, St. Lucie & Martin Counties) meeting the 19th District Medical Examiner, Dr. Patricia Aronica, did a presentation on the existing Medical Examiner's building and the need for a new facility. On October 29, 2021, Senator Gayle Harrell (who was in attendance at the 10/26/21 joint meeting) sent a letter to the Board of County Commissioners (Board) requesting that each of the 19th District counties (Indian River, St. Lucie, Martin and Okeechobee) appoint a Commissioner to be a representative on an Advisory Task Force (Task Force) that she was creating and would be facilitating. The purpose of the Task Force is to provide solutions to an on-going issue and communicate all progress from the Task Force to their respective Board's for further consideration. Commissioner Stacey Hetherington was appointed by the Board to the Task Force. The Task Force has met twice at Indian River State College (IRSC) in Ft. Pierce to discuss the situation. At the last Task Force meeting on March 24, 2022, Senator Harrell asked for each of the counties to adopt a resolution supporting the Medical Examiner's need for a new facility and to seek funding from grants, appropriations, or other state and federal financial assistance.

The Medical Examiners in Florida fall under the purview of the Medical Examiners Commission which is under the purview of Florida Department of Law Enforcement (FDLE). Chapter 406 of Florida State Statute (FS) has two parts: Medical Examiners (FS 406.01 - FS 406.17) and Disposition of Human Remains (FS 406.49 - FS 406.61). Medical Examiner Districts are established by the Medical Examiners Commission, the Medical Examiner's 19th District includes the same counties as the 19th Judicial Circuit. FS 406.08 'Payment of fees, salaries, and expenses: transportation costs; facilities' essentially states that the medical examiner will submit an annual budget request to the Board of County Commissioners. Each of the four counties in the 19th District pay a portion of the annual Medical Examiner's budget based upon the number of autopsies and deaths for each of the counties and the total number of autopsies and deaths for all of the 19th District counties, from the previous year's actual data. The Fiscal Year 2022-2023 (FY23) 19th District Medical Examiner's (Medical Examiner) budget request is \$4,125,180 with a reduction of \$975,000 in unused funds for a total of \$3,150,180, the percentage split for the four counties is St. Lucie County 46.11%, Indian River County 24.36%, Martin County 22.42%, and Okeechobee County 7.11%. Martin County's obligation for FY23 will be \$706,408 (after applying unused funds) compared to FY22 budget of \$490,349, her budget proposal letter dated March 22, 2022 indicates an overall increase in her budget request is 37.60% over the prior year. Part of the justification for the increase is due to an increase in caseload. The most significant increase in the number of deaths and autopsies was from 2019 to 2020 and then 2020 to 2021. Prior to that, the increase was not as significant, nor is there an indication as to how the statistics were impacted by COVID-19.

Currently, the Medical Examiner has a facility located on the IRSC campus on Virginia Avenue in Ft. Pierce. The facility is roughly 9,500 square feet of space built in 1975. The facility that is being proposed by the Medical Examiner (from the Medical Examiner's presentation on 10/26/21) is based upon other medical examiner facilities and could be at least 17,000 square feet with a cost that is presently estimated to be \$18M to \$20M just for the building (land has been donated). The proposed location will be on an existing 2 acres that are adjacent to IRSC's Treasure Coast Public Safety Training Complex. IRSC's Board of Trustees entered into a memorandum of understanding to provide the parcel to the Medical Examiner for free with a long-term lease. Dr. Moore, President of IRSC, indicated in a meeting that having the Medical Examiner as an integral part of IRSC's facility will be beneficial to IRSC and their nursing and other forensic related programs. If the cost of the facility is to be \$18.0M, based upon the existing formula, the County would need to be willing to fund \$4.1M toward the new facility. In section FS 406.08(5) it states, 'Autopsy and laboratory facilities utilized by the district medical examiner or his or her associates may be provided on a permanent or contractual basis by the counties within the district.' The proposed facility by the Medical Examiner per the presentation that was given includes: separate decomposition room which would double as an infectious case room (COVID), stand-by generator for entire building during possible prolonged outages, space for possibility of mass fatality processing areas, viewing rooms for families standing guard over comrades, family room for private conversation with families, sterile room for tissue recovery, and conference space/library for depositions and lectures increasing education. There are also proposed offices for future expansion and other added square footage for areas that are not 'autopsy and laboratory' facilities.

St. Lucie County (SLC) has adopted a resolution whereby the SLC County Administrator is directed to enter into discussions with the other 19th District counties, the Medical Examiner and the Trustees leading into an agreement to design and construct a new Medical Examiner facility to be located on the campus of IRSC, and the SLC County Administrator and Legislative Affairs Director are directed to support and submit requests for state and federal funding to assist in funding the cost of designing and constructing a new Medical Examiner facility. Indian River County (IRC) has their resolution planned for discussion and adoption on May 3, 2022. The draft resolution that was provided directs

the IRC County Administrator to enter into discussions with the other 19th District counties, the Medical Examiner and the Trustees leading into an agreement to conduct a needs assessment, design and construct a new Medical Examiner facility to be located on the campus of IRSC, and is directed to support and submit requests for state and federal funding to assist in funding the cost of designing and constructing a new Medical Examiner facility. Okeechobee County's resolution was developed based upon IRC's language and was approved on April 26, 2022 with the same direction to the Okeechobee County Administrator as was reflected in IRC's resolution. Martin County's resolution language is the same as IRC and Okeechobee.

Senator Harrell and Representative Trabulsy would like to submit an Appropriation Project Request (APR) for \$2M for the next legislative session to begin planning and design for the Medical Examiner. District 1 (Escambia, Santa Rosa, Okaloosa and Walton counties) has submitted two APRs on behalf of the FDLE for planning and design for their District 1 Medical Examiner to build a new facility. In 2021 the APR submitted by District 1 was for \$500,000, and the state allocated \$250,000, in 2022 their APR was for \$500,000 and in the current budget awaiting the Governor's approval, reflects \$500,000 for that APR. The request from Senator Harrell for a resolution of support from all counties in the 19th District, is necessary for her to proceed with submitting an APR for \$2M.

When the Medical Examiner first began asking for the funding for a new facility (May 11, 2021) staff asked the County Attorney's office to render an opinion based upon state statute and the interlocal agreement with the Medical Examiner. The opinion provided indicated that there was no requirement for the counties to provide the Medical Examiner with a new facility. Staff has also taken the position that the Medical Examiner is similar to the Health Department and the County has extremely limited powers with regard to the operation of the Medical Examiner, who the Medical Examiner is (appointed by the Medical Examiner Commission through FDLE), again similar to the Health Department (reports directly to the Florida Surgeon General). When the Health Department needed a new facility, the State funded it, and the County maintains it. Staff has also received an Attorney General's (AG) opinion that was done on Medical Examiners, duties and responsibilities (the initial inquiry was focused on an audit that was done on the 21st District Medical Examiner) and within that AG opinion, it states 'Medical examiner districts are distinct and independent statutory entities created for restricted purposes; they are not state agencies, as their prescribed powers are definitely confined to a less than statewide area. Similarly, while there appear to be several medical examiner districts that encompass only one county, the districts' mandates may reach across county lines. Officers of a special district "are neither state nor county officers." Thus, it is my opinion that a district medical examiner is a district officer rather than a state or county officer.' It goes on further to explain that 'Chapter FS 116 and collection of funds and payment to the state or county treasury and the chapter does not apply to medical examiners. And similarly, Chapter FS 145 sets the compensation of county officials such as clerk, sheriff, supervisor of elections it does not prescribe the compensation of a district medical examiner.' It goes on further to state that other parts of the statute referencing officer, 'means county officer and that the medical examiner is not a county officer.' The reason that correlation is important, those same county officers (clerk, sheriff, supervisor of elections), the statutes are clear in the fact that the County will provide them with adequate facilities, if there is a determination that the Medical Examiner is not a county officer, then there is no statutory responsibility to provide funding for a capital expense to build a new facility.

The resolution drafted by the County Attorney's office is like the one IRC and Okeechobee adopted. The County's resolution does not bind the County to provide future funding for planning, design and construction of a new Medical Examiner facility. If the APR Senator Harrell and Representative Trabulsy submit does not get approved or fully funded, then the County may need to place funding for the initial planning and design (estimated to be \$2M) in the budget, the County's portion, based

upon the current funding percentage for the Medical Examiner would be \$448,400.

ISSUES:

From a budgetary perspective, other counties, like St. Lucie County, will most likely see a larger increase in their tax base due to the amount of industrial and commercial construction that has taken place there for the last few years. St. Lucie County was also successful in obtaining an additional half-cent infrastructure sales tax for ten years, for roads, sidewalks, and water quality projects, which alleviates ad valorem taxes being utilized to fund those projects. Martin County is anticipating a modest increase in the tax base, which limits the County's ability to fund a large capital project for a new Medical examiner facility without making other possible reductions in other areas of the County's budget.

A needs assessment should be done to determine the size of the facility based upon specific and required responsibilities. The County may determine to fund a portion of the facility as required by statute. The size that the Medical Examiner is referencing, is twice the size of the current facility and has additional square footage for future expansion.

Martin County may want to take the position that the Counties should only commit monetarily to a Medical Examiner facility based upon monies that the State allocates, as a 50% match scenario at the pro-rated formula used to fund her budget request. The Board could decide to send a letter to FDLE asking that they consider funding this facility, like the State funded the Health Department building, and the counties would continue to maintain the facility per an interlocal agreement.

It is anticipated that this new facility needs assessment, planning, design and construction will take at least five years to complete.

LEGAL SUFFICIENCY REVIEW:

This item has been reviewed for legal sufficiency.

RECOMMENDED ACTION:

RECOMMENDATION

Move the Board adopt the resolution directing the County Administrator to enter into discussions leading to an agreement to design and construct a new medical examiner facility and to support requests for State and Federal financial assistance.

ALTERNATIVE RECOMMENDATIONS

None

FISCAL IMPACT:

RECOMMENDATION

Will be dependent upon other financial assistance from the State and other possibilities.

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment ☐ Chair Letter ☐ Contract / Agreement
☐ Grant / Application ☐ Notice ☐ Ordinance ☒ Resolution
☐ Other:

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