

**Districts 5 and 24 Medical Examiner Advisory Committee Meeting  
November 13, 2024 - DRAFT**

- 1. Call to Order** – The Districts 5 and 24 Medical Examiner Advisory Committee meeting was called to order at 2:00 p.m. on Wednesday, November 13, 2024 at the Sumter County Service Center, 7375 Powell Road, Room 102, Wildwood, FL.
- 2. Roll Call and Determination of a Quorum** – Roll call was taken and a quorum was met.

Members Present

Jeff Bogue, Sumter County Board of County Commissioners  
Jerry Campbell, Hernando County Board of County Commissioners  
Holly Davis, Chair, Citrus County Board of County Commissioners  
Michelle Stone, Marion County Board of County Commissioners  
Jay Zembower, Vice-Chair, Seminole County Board of County Commissioners (Arrived 2:24 pm)  
Anthony Sabatini, Lake County Board of County Commissioners (Non-voting Representative)

In Attendance

Barbara Wolf, M.D., Medical Examiner, Districts 5 & 24 Medical Examiner's Office  
Lindsey Bayer, Director of Operations, Districts 5 & 24 Medical Examiner's Office  
Bradley Arnold, County Administrator, Sumter County Board of County Commissioners  
Jennifer Barker, County Manager, Lake County Board of County Commissioners  
Melanie Marsh, County Attorney, Lake County Board of County Commissioners  
James Toy, Intergovernmental Affairs Manager, Citrus County Board of County Commissioners  
Mounir Bouyounes, County Administrator, Marion County Board of County Commissioners  
James Banta, Fire Chief, Marion County Fire Rescue  
Meloney Koontz, Assistant County Manager, Seminole County Board of County Commissioners  
Matthew Minter, County Attorney, Marion County Board of County Commissioners  
Amanda Tart, Assistant County Administrator, Marion County Board of County Commissioners  
Jared Goodspeed, Director, Marion County Facilities Management  
David Feger, Assistant Director, Marion County Facilities Management  
Audrey Fowler, Budget Director, Marion County Clerk of the Court  
Robert Kruger, Deputy Chief, Marion County Fire Rescue  
Beth Jones, Budget and Administrative Coordinator, Marion County Fire Rescue  
Deann Broyles, Budget and Administrative Coordinator, Marion County Fire Rescue  
Pam Doherty, Administrative Staff Assistant, Marion County Fire Rescue

- 3. Proof of Publications** – Legal advertisements were published on November 1, 2024 in the Hernando Sun #C9E154AE0016 and the Citrus County Chronicle Ad #50100770; and November 3, 2024 in the Ocala Star Banner Ad #10714473, Orlando Sentinel Ad #7718563, Lake Sentinel Ad #7718565, and The Villages Daily Sun Ad #01216401.

*Motion:* Commissioner Stone made a motion to approve the proof of publications and Commissioner Campbell seconded the motion. The motion carried unanimously 4-0.

- 4. Review and Approval of August 14, 2024 Minutes** – The minutes from the August 14, 2024 Districts 5 and 24 Medical Examiner Advisory Committee meeting were submitted for approval.

*Motion:* Commissioner Stone made a motion to approve the minutes from the August 14, 2024 Districts 5 and 24 Medical Examiner Advisory Committee meeting and Commissioner Bogue seconded the motion. The motion carried unanimously 4-0.

## 5. Old Business

### 5.1 Medical Examiner's Facility Update

Jared Goodspeed, Facilities Director, Marion County Board of County Commissioners, provided the Medical Examiner's facility update. The recent conceptual cost estimate was received November 8, 2024 for the estimated 24,000 square foot structure. The project cost was \$21,262,482, which is \$889 per square foot.

Mounir Bouyounes, County Administrator, Marion County Board of County Commissioners, advised that this estimate did not include the cost of floating the bond and the financing costs which have yet to be determined.

### 5.2 FY 23/24 4<sup>th</sup> Quarter Budget Report

Robert Kruger, Deputy Chief, Marion County Fire Rescue, gave an overview of the 4<sup>th</sup> Quarter FY 23/24 Budget Report covering July 1, 2024 through September 30, 2024. This quarter contains the following budget amendments: moving \$5,000 from Operating Supplies to Contractual Services for the autopsy disposal costs through Facilities; moving \$4,000 from Utility Services to Repairs/Maintenance – Equipment for repair of broken autopsy saws; recognizing \$3,000 for the Coverdell Grant to purchase approved items; moving \$8,000 from Capital Improvement Funding to Operating Supplies to purchase new autopsy saws (since repairs would not be completed by end of fiscal year); and moving \$300 from Repairs/Maintenance – Equipment to Communication Services for a shortage in phone bills.

Commissioner Campbell asked for clarification on the saws that were sent for repair. Beth Jones, Budget and Administrative Coordinator, Marion County Fire Rescue, advised that five saws were recently sent for repairs and returned; two saws were recently purchased; and five additional saws will be sent for repairs. The Medical Examiner currently has seven working saws.

### 5.3 Interlocal Agreement for Cost Share of Medical Examiner Services

Mr. Bouyounes advised that all executed Interlocal Agreements have been received for cost share and allocations. A copy of the 17-page fully executed Interlocal Agreement for Cost Share of Medical Examiner Services, dated October 1, 2024 was provided to the Medical Examiner Advisory Committee.

## 6. New Business

### 6.1 Lake County to Provide an Update on Discussions Exploring Potential Alignment with Seminole County in Medical Examiner District 24 as an Alternative to Participating in the Proposed Medical Examiner Facility Expansion in District 5

Commissioner Sabatini advised it is the unanimous will of the Lake County Board of County Commissioners (BCC) to leave the District 5 Medical Examiner and join District 24 Medical Examiner as it made more fiscal sense for Lake County. Commissioner Davis advised that she was deeply disturbed and disappointed as to how this decision took place as this conversation should have taken place during a District 5 and 24 Medical Examiner Advisory Committee meeting. Commissioner Davis stated that she did not know if there were Sunshine Law violations that occurred or handled between attorneys and County Administrators, but the process that took place was not okay. Commissioner Stone advised that it was unfortunate that Marion County Board of County Commissioners (BCC) learned of this decision from Seminole County Board of County Commissioners (BCC) at a Florida Association of Counties (FAC) conference. She stated that it was the understanding that the Governor will have to approve this decision. In the meantime, this Advisory Committee will continue to operate as usual. Commissioner Stone noted that the Medical Examiner's building currently was in Marion County's name, while although the facility was located in Lake County. The facility is an asset that all six counties share, including

the equipment and building. All six counties have paid into these assets. Commissioner Stone advised that the Advisory Committee would need to figure out how to separate the payment portion between Districts 5 and 24. She asked where Lake County would operate once the payment portion was determined. District 5's volume would be significantly less because one-third of the overall volume would be removed. Commissioner Bogue said the Advisory Committee may reconsider the option of District 5 staying in the current building in Lake County and operating from this location. Commissioner Davis noted this project required an enormous amount of work from staff.

Commissioner Stone advised that Marion County has already expended over \$3,000,000 on this capital improvement project. The Advisory Committee would need to determine the best way to factor in all the expenses associated with the project. Commissioner Davis advised that she supported making sure all counties paid their fair share. Commissioner Sabatini advised that former Commissioner Blake was previously the lead Commissioner on this Advisory Committee and had the trust of Lake County BCC as to the decisions regarding the capital project. Commissioner Sabatini was elected to the Lake County BCC and is carrying on former Commissioner Blake's well-informed opinion. Lake County would be negligent to their taxpayers if decisions were made that did not benefit the taxpayers.

Commissioner Stone advised that if conversations were happening in Lake County, it was disrespectful to District 5 that the Advisory Committee was not included. The Advisory Committee would not have moved forward to purchase property and contracted with a Construction Manager (CM). Former Commissioner Blake voted in favor of this project, while he was representing Lake County.

Commissioner Campbell stated that the timing of this decision was frustrating. Commissioner Campbell noted that he remembered discussing the possibility of Seminole County exiting and doing something on their own, but it did not include Lake County. This decision came at the last second of the 24<sup>th</sup> hour. The Advisory Committee has an agreement which is expected to be followed.

Commissioner Sabatini stated that former Commissioner Blake did his due diligence and discovered information where Lake County would be in a better position by exercising this option.

Commissioner Davis noted that the remaining District 5 Commissioners would like Commissioner Sabatini to share the information with this Advisory Committee if there was a better way to do the same work in a more cost-effective method with the same level of quality. The Advisory Committee would like to know Lake County's savings and how this benefits the rest of the members. Commissioner Davis asked what the Medical Examiner Advisory Committee was missing. Commissioner Stone advised that Commissioner Sabatini, as being an elective official who is still a partner with District 5, has a fiscal responsibility to allow the Advisory Committee the information to make sure taxpayers were benefiting from any decisions that were made. Commissioner Stone asked Commissioner Sabatini, if Lake County had made the best decision to please help the members of the Advisory Committee understand, so that the members were enlightened as to why the decision to stay in the same building was beneficial. Commissioner Sabatini noted that there was not a single person in Lake County that he wants to explain this decision to, and there's probably no one in Marion County that he feels justified or the need to explain this decision to. The decision was a Lake County decision and this committee knows Lake County's position. Commissioner Sabatini confirmed Lake County's position was clear and Lake County will exit District 5 and go to District 24. Commissioner Stone questioned where Lake County will perform autopsies since the Medical Examiner's building was the District 5 Medical Examiner's office. Commissioner Sabatini advised that he attended the meeting only to communicate the decision, rather than provide justification.

Commissioner Stone asked Dr. Wolf if she was aware of where Lake County will perform autopsies in the future for District 24. Dr. Wolf advised that no discussions have taken place pertaining to locations. Commissioner Stone stated that it was expected that Lake County would vacate the premises if they did not want to be a member of District 5. District 5 would continue to operate at the current Medical Examiner facility and could slow down moving forward the process of building a new facility, due to reduced capacity and workload.

Commissioner Davis noted that Commissioner Sabatini's position has been made very clear. She questioned when Lake County planned to depart so that District 5 members can move forward with its plans. Commissioner Davis advised that a public records request would be a method of which to find out how to get the same tax savings for all the citizens involved.

Commissioner Campbell referenced the Interlocal Agreement dated October, 1, 2024 and asked Commissioner Sabatini if eighteen (18) months' written notice of termination had been given. Mr. Bouyounes advised the written notice had not been received. Commissioner Sabatini advised that he would have to speak with their County Attorney regarding legal matters on this contract. Matthew Minter, County Attorney, Marion County Board of County Commissioners, noted Section 24 of the Interlocal Agreement required at least eighteen (18) months advance written notice for termination to the other parties served, or if mutually agreed, an earlier termination date, if extraordinary circumstances exist.

Commissioner Stone noted that all counties have paid for the equipment (freezers, x-ray machines, saws, etc.). When the two counties exit, the Agreement did not cover equipment. Mr. Minter noted that Lake County and Seminole County operated in good faith. There needed to be an equitable winding down of the parties' various interests, the equipment purchases made and the expenditures incurred. Section 14 of the Interlocal Agreement had a dispute resolution provision. This resolution would require the good faith of all parties working together.

Commissioner Zembower arrived at 2:24 pm.

Commissioner Campbell asked if Lake County and Seminole County were already committed to the property and design work in some capacity. Mr. Minter noted that may be the case in the preliminary work. The question arose if any other counties were contemplating leaving District 5. Citrus, Hernando and Sumter clarified that their respective counties were not contemplating leaving District 5.

Commissioner Bogue asked Dr. Wolf about her contract and if she would stay with District 5 and how the process would work. Dr. Wolf noted that it was her understanding that she believed both districts were included in the contract and she would continue to serve both districts in the capacity the committee determined. As it stands, if notice is given, the Medical Examiner can run two offices and serve in both capacities. She would continue to honor the contractual commitments to both districts.

Dr. Wolf stated the districts were based on Florida's Administrative Code where the goal was to equitably distribute the population and workload. Commissioner Stone questioned if this decision would go to the legislative body in Tallahassee to finalize. Dr. Wolf noted she believed this matter was being researched by the Florida Medical Examiners Commission's legal advisors. Commissioner Zembower stated that the Florida Department of Law Enforcement (FDLE) was the governing body that oversaw these issues. The matter had gone through FDLE, and will go to the Medical Examiners Commission's Board and then would be signed off by the Governor. Dr. Wolf advised that the Medical Examiners Commission was part of FDLE.

Commissioner Zembower stated that the Seminole County BCC had directed his staff to move forward with a different route. Commissioner Zembower's staff believed there were errors in the calculations. Commissioner Zembower noted his Commission directed his staff to look at all available options on how they can proceed to move forward and bring these options back to his Board. The desire for Seminole County and Lake County to exit and join together is just one of the options that has been communicated, but not memorialized until it goes through the approval process. Commissioner Zembower clarified that there has not been an agenda item or final vote.

Commissioner Stone noted that Commissioner Sabatini said a unanimous vote was made by Lake County to exit District 5 and join Seminole County. Commissioner Sabatini stated there may have been a misunderstanding. Commissioner Sabatini noted former Commissioner Blake was the appointee who was entrusted to decide on behalf of the Lake County BCC. Commissioner Sabatini replaced former Commissioner Blake who communicated to Commissioner Sabatini his decision, who also agreed with the decision. It was noted that Commissioner Sabatini would currently represent the decision that was made on behalf of the Lake County BCC. The decision had not been memorialized and the decision was not a formal agenda item. Commissioner Sabatini advised he will reach out to Seminole County to make this happen. General discussion ensued regarding Sunshine Laws and the possibility of violation due to discussions between Commissioner Sabatini and former Commissioner Blake.

Commissioner Zembower stated this was a business and legislative decision. Seminole County took the decision to explore other options back to their BCC. The decision will not be memorialized until decisions can be made at the FDLE level whether the opportunity is even possible. When options come back to Seminole County's BCC, Seminole County will make the decision based on options provided as to how to move forward.

Commissioner Davis advised that there was a problem with decisions happening outside of the Advisory Committee. The Advisory Committee asked Commissioner Sabatini to share the options that Lake County had to reduce the costs to citizens for Medical Examiner exams. Commissioner Sabatini stated that he was not in the business to share the options, so the Advisory Committee will ask for a public records request.

Commissioner Campbell recalled Commissioner Zembower's concerns of exploring other options in the past, but not Lake County's concerns. Being blindsided without communicating the frustration of understanding what was happening and how this decision happened was not fair to the Advisory Committee. Seminole County's intentions were heard loud and clear and communicated to the committee, but Lake County's intentions were not. The new Interlocal Agreement was just signed October 1, 2024 and then this decision was given to the Advisory Committee.

Mr. Bouyounes noted there has been no interaction with staff from Seminole County on the layout of the building and the cost estimate. With the Advisory Committee hearing the position that Lake County would like to exit, Mr. Bouyounes recommended getting this position in writing so District 5 can move forward with business and reconsider new options. The Advisory Committee needed to go back and reevaluate all options available for the remainder of District 5. This process cannot be accomplished in an efficient and fiscally responsible manner until District 5 knew officially what Lake County and Seminole County planned. To date, Marion County had spent almost \$3,000,000 to buy the property and \$100,000 on architectural costs.

Commissioner Bogue noted his disappointment with Lake County. Lake County had been good partners but hearing about this was disheartening. Commissioner Bogue recommended an exit letter be drafted by Seminole County and Lake County, if Lake County cared to join, and then

continue the process with FDLE. Two unhappy partners will make this committee very dysfunctional moving forward.

Commissioner Campbell asked if District 5 could issue an eighteen (18) month termination letter to Seminole County. Mr. Minter stated it would be prudent to talk to each county's BCC, attorneys and staff. Mr. Minter heard Commissioner Zembower say Seminole County was looking at their options. Mr. Bouyounes noted that with Seminole County looking at their options, this was putting everything on hold. Commissioner Campbell stated that it sounded like a decision had been made, but Seminole County was not sure with what option the Counties were moving forward. Commissioner Campbell advised that it was his suggestion for District 5 to issue Seminole County a termination letter. Commissioner Zembower stated his BCC directed his staff to look at all options, including staying here in this current position. If it was the will of this Committee to separate with Seminole County, then Seminole County would accept that. Commissioner Bogue noted that was directly in contradiction to what Commissioner Sabatini previously stated. Commissioner Sabatini advised that Lake County had made the decision to exit from District 5 and join District 24 on their own. Commissioner Zembower advised that the decision could not be made if FDLE had not facilitated that option. The decision was an option that was being explored. Seminole County was vetting the process of looking at all options.

Commissioner Campbell noted Section 24 of the Interlocal Agreement, effective October 1, 2024 indicated that any party may terminate the agreement for convenience or otherwise, upon at least eighteen (18) months written notice to the other party served according to Section 10. He advised that he interpreted that as District 5 could terminate District 24 or vice-versa.

Commissioner Sabatini advised that upon learning new information, former Commissioner Blake concluded that Lake County can and should leave District 5, after the final approval from the state agency. Former Commissioner Blake had communicated his position legally to Commissioner Sabatini and now the position was Commissioner Sabatini's position. He stated the whole Lake County BCC entrusted this decision to him. Commissioner Davis advised that this was a consensus from the Lake County's BCC to terminate from District 5, not a vote.

Melanie Marsh, County Attorney, Lake County Board of County Commissioners, stated the Lake County BCC had the discussion of looking at and exploring other options, but have not officially made a vote. For the record, Ms. Marsh noted that Commissioner Sabatini did not violate Sunshine Laws. The Sunshine Laws did not apply to Commissioner Sabatini speaking to an outgoing Commissioner that was not concurrently on the BCC. Ms. Marsh advised for the record that typically termination provisions were for a specific party. Lake County can terminate its ability or its right to be a part of this contract, but Ms. Marsh did not believe another county could bring a motion to terminate another county. If the county did not want to be a part of the contract, the county would give the eighteen (18) month written notice.

Commissioner Davis advised that another meeting may need to be scheduled sooner than February 2025.

Commissioner Davis asked Dr. Wolf how losing one-third of the current District 5 and 24 Medical Examiner workload would affect the space at the current facility. Dr. Wolf advised that the facility was old, but functional. If the autopsy load was decreased, then the potential facility longevity would increase. If it was only Seminole County leaving the District, it would not decrease the workload sufficiently to make it viable to stay in that building for any period of time. If Seminole County and Lake County both left, the longevity of the building would increase.

The Medical Examiner's building is owned by Marion County for the use of District 5. If District 5 did not exit, Lake County and Seminole County would not be able to force Marion County to exit.

The Interlocal Agreement defined that the terminating party is responsible for payment of their portion through the last day of the 18<sup>th</sup> month after the written termination letter was submitted.

Mr. Minter advised that for membership on advisory boards of this type, participating members would designate one of their commission members to be a representing member on the Advisory Committee. Sending someone as a representative did not represent a delegation of a decision-making authority of that County Commission to that one person, unless it was expressly stated in such manner.

Commissioner Campbell clarified that he did not make a motion to terminate Seminole County or Lake County, but was only talking out loud.

Commissioner Bogue questioned the time frame for the Advisory Committee to have an answer from Seminole County to move out of District 5 and combine with Lake County, if this was the option chosen. Commissioner Zembower noted FDLE should have an answer by the end of this year (2024). If FDLE allowed the move to be an option, would this decision be the option Seminole County desired. Commissioner Zembower advised that the decision depended on overall costs, including building Seminole County's own unit, combining with another county, getting FDLE's approval, and the signing off by the Governor. Seminole County had already discussed with Volusia County, Orange County and other counties. Seminole County staff have been trying to do their due diligence and interact with Marion County to get as much information as possible and look at all the costs.

Dr. Wolf noted the new general counsel and the Medical Examiners Commission had no experience in the issues discussed because the split had not previously occurred. By Statute, the Medical Examiners Commission was given the task of creating districts, based largely on population. The staff of the Medical Examiners Commission told Dr. Wolf they were going to ask for presentations to the Commission before making a vote Dr. Brett Kirkland, Bureau Chief, is the main staff person at the Medical Examiners Commission.

Commissioner Bogue advised that it seemed as if Dr. Wolf had been communicating with FDLE regarding this issue. Dr. Wolf advised that this was not accurate. Dr. Wolf said her office and the Medical Examiners Commission (to her knowledge) have had no knowledge or discussions with Lake County. After Commissioner Zembower spoke with Dr. Kirkland, Dr. Wolf was informed this was a possibility, in her role as Chair of the Medical Examiners Commission.

For the record, Mr. Bouyounes asked Commissioner Zembower to have Seminole County staff let him know exactly who they spoke with at Marion County regarding the building issues and cost estimates mentioned above, so this issue can be closed and an apology can be offered, if this happened. As to the other statement made regarding the project being driven by Marion County, Mr. Bouyounes respectfully disagreed with the statement. This Advisory Committee wanted to move as quickly as possible. The process was not easy dealing with six counties and will be put on hold until the Advisory Committee determines what will happen. Mr. Bouyounes recommended going back to square one to explore all the options under the remainder of District 5.

Dr. Wolf stated her last communication with Seminole County was exploring other options including the possibility of doing cases in funeral homes. Dr. Wolf advised that she had no knowledge of decisions being made as all she heard from Dr. Kirkland was Seminole County was exploring options.

Commissioner Stone noted her intention was to go back to the Marion County BCC to share the experience of this meeting. She will ask Marion County BCC of their desire as to whether to

continue to allow District 24 to be a part of District 5 and as to their direction. Commissioner Stone noted she would bring back the decision of the Marion County BCC to the next District 5 and 24 Medical Examiner Advisory Committee meeting. She stated that she would also suggest to the BCC that it may be in the best interest to stay in the original Lake County facility with the exit of Lake County and Seminole County. Commissioner Stone advised that she would also ask Marion County to put together all the expenses incurred thus far and would ask Marion County to figure out how to invoice the six counties to make Marion County whole in order to determine how to dispose of the recently purchased property, if it becomes clear that it was not necessary. Commissioner Campbell agreed and advised that Hernando County had no intent of leaving District 5.

Commissioner Zembower noted that he did not see where the other counties have made the decision to move forward or where it had been ratified by the other BCCs. Seminole County had been a partner and was willing to pay their fair share.

Mr. Minter noted the rationale for how the agreements were set up regarding population and workload. The basis could be a statute or administrative rule saying population should be used, or there could be a different way of analyzing the workload. For instance, Marion County has the higher workload and one indicator could be it housed the trauma center that is utilized by several member counties in District 5 and District 24. The trauma center was not tied to the Medical Examiner's office. A person could come from a surrounding county and pass away at Marion County's trauma center. This would benefit the other county's numbers because the decedent died in Marion County. Per Dr. Wolf, statutorily, a decedent belongs to the county a person dies in—whether or not the person resides in that county or not.

Chief Banta advised that if Lake County and Seminole County exit the agreement, the case load would reduce by approximately 1,100 cases per year.

Dr. Wolf advised that the next Medical Examiners Commission meeting is February 4, 2025.

(Ed. Note: The Medical Examiners Commission meeting is scheduled for Tuesday, February 3, 2025 at 10:00 a.m.)

*Motion:* Commissioner Campbell made a motion to temporarily suspend any further expenditures in relation to the new facility. Commissioner Bogue seconded the motion. The motion carried unanimously 5-0.

7. **Next Meeting Date** – The next District 5 and 24 Medical Examiner Advisory Committee Meeting is scheduled for Wednesday, February 12, 2025 at 2:00 p.m. at the Sumter County Service Center, Room 102, 7375 Powell Road, Wildwood, FL.
8. **Adjournment** – There being no further business to come before the committee, the meeting adjourned at 3:32 p.m.

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Holly Davis, Chair

Date