

## MEMORANDUM

Agenda Item No. 11(A)(23)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** September 4, 2013

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution urging Chief  
Financial Officer Jeff Atwater to  
send Division of Funeral,  
Cemetery, and Customer  
Services examiners to conduct  
on-site inspections of the  
cemetery grounds located within  
Miami-Dade County

Resolution No. R-715-13

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.



R. A. Cuevas, Jr.  
County Attorney

RAC/Imp



**MEMORANDUM**  
(Revised)

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and Members, Board of County Commissioners

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(23)  
9-4-13

RESOLUTION NO. R-715-13

RESOLUTION URGING CHIEF FINANCIAL OFFICER  
JEFF ATWATER TO SEND DIVISION OF FUNERAL,  
CEMETERY, AND CUSTOMER SERVICES  
EXAMINERS TO CONDUCT ON-SITE INSPECTIONS  
OF THE CEMETERY GROUNDS LOCATED WITHIN  
MIAMI-DADE COUNTY

**WHEREAS**, Miami-Dade County has an interest in protecting funeral and burial merchandise and services; and

**WHEREAS**, Miami-Dade County has an interest in ensuring cemetery grounds are properly maintained to avoid the public suffering emotional stress; and

**WHEREAS**, Florida Statute 497.262 requires every cemetery company or entity responsible for the care and maintenance of a licensed cemetery to ensure that the grounds, structures, and other improvements of a cemetery are well cared for and maintained in a proper and dignified condition; and

**WHEREAS**, Florida Statute 497.005(9) defines “care and maintenance” as the perpetual process of keeping a cemetery and its lots, graves, grounds, landscaping, roads, paths, parking lots, fences, mausoleums, columbaria, vaults, crypts, utilities, and other improvements, structures, and embellishments in a well-cared-for and dignified condition, so that the cemetery does not become a nuisance or place of reproach and desolation in the community; and

**WHEREAS**, Miami-Dade County has various licensed cemeteries that are not maintained in a proper and dignified condition; and

**WHEREAS**, tombstone vases at Miami-Dade County cemeteries are often stolen or damaged and not replaced; and

**WHEREAS**, Chief Financial Officer Jeff Atwater is an elected member of the Florida Cabinet and the State Department of Financial Services is under his purview; and

**WHEREAS**, the Division of Funeral, Cemetery, and Customer Services is a division of the State Department of Financial Services; and

**WHEREAS**, the Division of Funeral, Cemetery, and Customer Services is responsible for the enforcement and regulation of Florida Statutes Chapter 497; and

**WHEREAS**, Florida Statute 497.262 permits the Division of Funeral, Cemetery, and Customer Services to enact rules to govern the maintenance and care of existing cemeteries; and

**WHEREAS**, the Division of Funeral, Cemetery, and Customer Services has enacted rule 69K-6.002 to govern the maintenance and care of existing cemeteries by requiring the perpetual process of keeping a cemetery and its lots, graves, grounds, landscaping, roads, paths, parking lots, fences, mausoleums, columbaria, vaults, crypts, utilities, and other improvements, structures, and embellishments in a well-cared-for and dignified condition, so that the cemetery does not become a nuisance or place of reproach and desolation in the community which includes but is not limited to, any or all of the following activities: mowing the grass at reasonable intervals; raking and cleaning the grave spaces and adjacent areas; pruning of shrubs and trees; suppression of weeds and exotic flora; and maintenance, upkeep, and repair of drains, water lines, roads, buildings, and other improvements; and

**WHEREAS**, the Division of Funeral, Cemetery, and Customer Services employs field examiners who spend the majority of their time performing on-site inspections, examinations, and investigations of cemeteries throughout the State of Florida to ensure compliance with Florida Statutes Chapter 497 and with rule 69K-6.002,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that this Board:

**Section 1:** Urges Chief Financial Officer Jeff Atwater to send Division of Funeral, Cemetery, and Customer Services field examiners to inspect the cemeteries in Miami-Dade County to ensure compliance with the care and maintenance requirements of Florida Statutes 497.262 and 497.005(9).

**Section 2:** Urges Chief Financial Officer Jeff Atwater to send Division of Funeral, Cemetery, and Customer Services field examiners to inspect the cemeteries in Miami-Dade County to ensure compliance with rule 69K-6.002.

**Section 3:** Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, Chief Financial Officer Jeff Atwater, the Chair and members of the Miami-Dade State Legislative Delegation, and Director Doug Shropshire of the Division of Funeral, Cemetery, and Customer Services.

The Prime Sponsor of the foregoing resolution is Senator Javier D. Souto. It was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

	Rebeca Sosa, Chairwoman	<b>aye</b>
	Lynda Bell, Vice Chair	<b>aye</b>
Bruno A. Barreiro	<b>aye</b>	Esteban L. Bovo, Jr. <b>aye</b>
Jose "Pepe" Diaz	<b>absent</b>	Audrey M. Edmonson <b>absent</b>
Sally A. Heyman	<b>aye</b>	Barbara J. Jordan <b>aye</b>
Jean Monestime	<b>aye</b>	Dennis C. Moss <b>aye</b>
Sen. Javier D. Souto	<b>absent</b>	Xavier L. Suarez <b>absent</b>
Juan C. Zapata	<b>aye</b>	

The Chairperson thereupon declared the resolution duly passed and adopted this 4<sup>th</sup> day of September, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK



By: **Christopher Agrippa**  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

Christopher A. Angell