

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Revised Chapter 45.4, Administrative Code

**DEPARTMENT:** Administrative Services      **DIVISION:** Risk Management

**AUTHORIZED BY:** Jamie Croteau *[Signature]*      **CONTACT:** Linda Eiland *[Signature]*      **EXT.** 5950

<b>Agenda Date</b> <u>06/10/03</u>	<b>Regular</b> <input type="checkbox"/>	<b>Consent</b> <input checked="" type="checkbox"/>	<b>Work Session</b> <input type="checkbox"/>	<b>Briefing</b> <input type="checkbox"/>
	<b>Public Hearing – 1:30</b> <input type="checkbox"/>		<b>Public Hearing – 7:00</b> <input type="checkbox"/>	

**MOTION/RECOMMENDATION:**

Board approval to adopt Resolution amending Administrative Code 45.4, Risk Management Settlement Procedures as drafted by the County Attorney's Office, and authorization for Chairman's signature.

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**BACKGROUND:**

Risk Management Settlement Procedures were first approved by the Board of County Commissioners in 1979 in order to provide an effective and expeditious procedure for the settlement of claims. The procedures cover the liability claims against the county, workers' compensation claims, etc.

The Risk Management Settlement Procedures need to be amended from time to time to reflect changes in Florida Law and County Operating Procedures.

Current revisions to the Risk Management Settlement Procedures are necessary due to changes in the Florida Statutes, and change in the Department responsible for Risk Management, Administrative Services vs. Employee Relations. The revisions also include a clarification of the County Manager's settlement authority. The new language extends the County Manager's \$50,000 settlement authority in cases where the expenditure of county funds is \$50,000 or less, and any excess balance above \$50,000 is paid by the excess insurance carrier. Prior to this revision, all claim settlements in excess of \$50,000 had to be approved by the Board of County Commissioners.

Attached are revised procedures as drafted by the County Attorney's Office, with changes lined through and additions underlined.

<b>Reviewed by:</b>
<b>Co Atty:</b> _____
<b>DFS:</b> _____
<b>Other:</b> _____
<b>DCM:</b> <i>[Signature]</i>
<b>CM:</b> <i>[Signature]</i>
<b>File No.</b> <u>CASR01</u>

RESOLUTION NO. \_\_\_\_\_-R-\_\_\_\_\_

SEMINOLE COUNTY, FLORIDA

THE FOLLOWING RESOLUTION WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, AT THEIR REGULARLY SCHEDULED MEETING OF \_\_\_\_\_, 2003.

WHEREAS, Seminole County Ordinance No. 89-28 created the Seminole County Administrative Code; and

WHEREAS, Seminole County Resolution No. 89-R-438 adopted the Seminole County Administrative Code; and

WHEREAS, the Seminole County Administrative Code needs to be amended from time to time to reflect changes in the administration of County government, and changes in Florida Law; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, THAT:

1. Section 45.4, "Risk Management Settlement Procedures", Seminole County Administrative Code, is hereby amended to include changes pursuant to statute and other administrative changes and is attached hereto for inclusion in the Seminole County Administrative Code.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

\_\_\_\_\_  
MARYANNE MORSE  
Clerk to the Board of  
County Commissioners of  
Seminole County, Florida

By: \_\_\_\_\_  
DARYL G. MCLAIN, Chairman

RM/gn

1/15/03

Attachment

Section 45.4, Seminole County Administrative Code

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**SEMINOLE COUNTY ADMINISTRATIVE CODE**

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**EMPLOYEE RELATIONS**  
**ADMINISTRATIVE SERVICES**

**45.4 RISK MANAGEMENT**  
**SETTLEMENT PROCEDURES**

A. PURPOSE. To provide for effective and expeditious settlement of certain claims against Seminole County and certain claims made by Seminole County in compliance with the requirements of ~~Sections 69.081 and 164.106~~, the Florida Statutes and the Seminole County Code.

B. ORGANIZATIONS AFFECTED. All Seminole County Departments, Divisions, Boards, Commissions, the Seminole County Risk Management Executive Committee, etc.

C. RISK MANAGEMENT EXECUTIVE COMMITTEE. There is hereby established the Risk Management Executive Committee. The Committee shall review and make recommendations to the Board of County Commissioners on such issues that may from time to time be presented to them in the areas of insurance and claims management.

(1) The Risk Management Executive Committee shall be composed of the five voting members: three (3) County Commissioners appointed by the Chairman of the Board of County Commissioners, the County Manager and a Deputy County Manager designated by the County Manager. The Director of Administrative Services shall serve as the non-voting chair of the committee.

(2) In addition, the Risk Management Executive Committee shall also have, as ex officio non-voting members, the County Attorney, the Risk Manager and the Director of Fiscal Services.

D. PROCEDURES.

(1) Negotiations. Subject to the settlement procedures set forth in subsections (2), (3), and (4) below:

(a) The ~~Employee Relations-Administrative Services~~ Director or his/her designee is authorized to negotiate proposed settlements of claims against Seminole County and claims made by Seminole County up to and including TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00) per claimant, per occurrence.

(b) The County Manager or his/her designee is authorized to negotiate proposed settlements of claims against Seminole County and claims

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made by Seminole County ~~for amounts greater than TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00) per claimant, per occurrence.~~

(2) ~~Pre litigation Claims Settlement Authority for Third Party Claims.~~ Settlement of claims against Seminole County when litigation has not been instituted against Seminole County shall be subject to the following:

(a) The ~~Employee Relations Administrative Services~~ Director may delegate settlement authorization to the County's Third Party Administrator for pre-litigation claims up to and including FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00) per claimant, per occurrence when the County does not dispute liability is not disputed.

(b) The ~~Employee Relations Administrative Services~~ Director is authorized to settle claims up to and including TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00) per claimant, per occurrence.

(c) The County Manager is authorized to settle claims requiring the expenditure of up to and including FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00) per claimant, per occurrence. The County Manager may also settle any claim that is recommended by the excess carrier if the funds to pay any amount that exceeds the authorization set forth herein are provided by the excess carrier or others.

(d) The Risk Management Executive Committee may recommend settlement of claims greater than FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00) per occurrence to the Board of County Commissioners. The Board of County Commissioners reserves the authority to settle claims requiring the expenditure of ~~greater~~ more than FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00) per claimant, per occurrence.

~~(3) Post litigation Claims. Settlement of claims against Seminole County when litigation has been instituted against Seminole County shall be subject to the following:~~

~~(a) The Employee Relations Director is authorized to settle claims up to and including TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00) per claimant, per occurrence.~~

~~(b) The County Manager is authorized to settle claims up to and including FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00) per claimant, per occurrence.~~

~~(c) The Risk Management Executive Committee may recommend settlement of claims greater than FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00) per claimant, per occurrence to the Board of County Commissioners. The Board of County Commissioners reserves the authority to settlement claims greater than FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00) per claimant, per occurrence.~~

~~(4) Settlement Authority for of County Claims. Settlement of estimated claims for loss, damage or subrogation claims by Seminole County~~

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~~against persons or entities alleged to have harmed the County and authorization to execute necessary releases are authorized as follows:~~

(a) ~~The Employee Relations Administrative Services Director is authorized to settle claims which result in recovery of the entire estimated loss or damage incurred and settle claims which result in recovery of estimated loss or damage of all when the estimated loss does not exceed the recovery by more than but up to and including TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00). of estimated loss or damage incurred by Seminole County.~~

(b) ~~The County Manager is authorized to settle claims which result in recovery of estimated loss or damage of all but up to and including when the estimated loss does not exceed the recovery by more than FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00) of the estimated loss or damage incurred by Seminole County.~~

(c) ~~The Risk Management Executive Committee is authorized to recommend settlement to the Board of County Commissioners of Seminole County of claims which result in recovery of the estimated loss or damage when the estimated loss or damage exceeds the recovery by more than FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00).~~

(54) Settlement of Other Claims. Authority to settle claims, lawsuits, or other proceedings not addressed in subsection (2) (3) or (4) above when the County is a party is reserved by the Board of County Commissioners.

(65) Excluded Payments. Payments from the County's Self-Insured Fund for non-settlement related expenses ~~which are not settlements under subsections (2), (3), or (4) above~~ are not subject to these settlement procedures, these include including, but are not limited to, lawfully mandated payments, court ordered payments, and payments necessary to investigate, prosecute, and defend claims.

~~(7) Public Hearings. In any lawsuit when Seminole County is a defendant and settlement of the lawsuit requires expenditure of public funds in excess of FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00), the person, committee or board authorized to settle the suit under subsections (2), (3), (4), or (5) above shall conduct a public hearing on the proposed settlement after posting notice of the hearing. The person, committee or board shall provide a reasonable opportunity for persons to be heard. The notice required by this subsection shall be posted in the same manner as County notices under Section 286.011, Florida Statutes. Public hearings under this subsection shall be recorded and the minutes of public hearings conducted under this subsection shall be open to public inspection.~~

~~(8) Advertisement. Due public notice shall be provided by advertising in accordance with Chapter 50, Florida Statutes, as follows:~~

~~(a) Within sixty (60) days of settling a claim in tort which requires the expenditure of public funds in excess of FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00), Seminole County shall provide advertised notice of~~

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~~the settlement except that no advertised notice shall be required if the tort settlement has been approved by a court of competent jurisdiction.~~

~~(b) The County shall advertise notice of proposed settlements of claims against the County when the settlement amount exceeds ONE HUNDRED THOUSAND AND NO/100 DOLLARS (\$100,000.00) or the person, committee or board authorized to settle the suit determines that the settlement is of critical public concern.~~