



ADMINISTRATIVE POLICY MANUAL	SECTION RISK MANAGEMENT	NUMBER AM 1000.1	DATE EFFECTIVE 03-06-90 Updated 10-17-13
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### 209 Claims authority of Risk Manager.

- a. Prior to offering a settlement or making a payment concerning a tort claim, the Risk Manager shall refer to the Liability Claims Committee any claims against the public liability program which exceed the ~~thirty-five ten~~ thousand dollars authority of the Risk Manager to settle and pay. The Risk Manager shall, as a part of the referral, provide the Committee with a written synopsis of the pertinent facts and a specific recommendation with respect to the settlement of the claim.

### 210 Claims authority of County Administrator.

- a. Subject to a maximum authorization of ~~seventy-five fifty~~ thousand dollars for each occurrence for damages for personal injury, property damage, advertising injury and public official's injury combined, the County Administrator shall have the authority to pay in settlement, without the need for prior approval, claims of a single claimant covered by the public liability program up to a total of ~~seventy-five fifty~~ thousand dollars for each claimant for damages as the result of personal injury, property damage, advertising injury and public official's injury combined. With respect to those claims covered by the public liability program for which the County Administrator has the authority to pay and settle without prior approval, the County Administrator shall have the authority to accept or give releases on behalf of the protected parties involved.
- b. The County Administrator shall have exclusive authority to settle non-tort claims within the specified settlement authorization and such settlement decisions shall not be subject to appeal to the Liability Claims Committee or the Board.

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### 211 Liability Claims Committee.

- a. The Liability Claims Committee shall have five voting members. Four of the members shall be permanent voting members who shall have the authority to vote on all claims referred to the Committee. The fifth voting member shall be a temporary member whose membership and voting rights shall be limited to specific claims. The Administrator, the Risk Manager, the County Attorney, and the Director of Management & Budget shall be permanent voting members. The first voting member shall be a representative of the participant against whom the claim is being asserted. If the participant against whom the claim is being asserted is the County, the fifth voting member shall be the director of the County department out of whose activities the claim arose. If the director of the department out of whose activities the claim arose is personally, involved in the claim, the Director of Finance shall be the fifth voting member.



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- d. Written notice of meetings of the Liability Claims Committee shall be given to all members by mail or other form of communication as soon as practicable prior to the meeting. In addition to the permanent members, the notice shall be given to the representatives of participants who have an apparent direct and substantial interest in any of the matters likely to come before the Committee at the meeting. Each participant shall designate the person to whom the notice shall be directed.
- e. The Liability Claims Committee shall have exclusive authority to settle tort claims within its specified settlement authorization of [seventy-five fifty](#) thousand dollars and such settlement decisions shall not be subject to appeal to the Board.

#### 212 Claims authority of Board.

- a. Subject to a maximum authorization of the lesser of (1) the monetary limits of s. 768.28, Florida Statutes, or amendments thereto (if applicable to the specific claim), or (2) the maximum limits of coverage of the public liability program, the Board shall have authority, applicable to claims referred to the Board by the Liability Claims Committee concerning tort cases, or by the Risk Manager in all other cases, to direct the Risk Manager to pay in settlement claims covered by the public liability program. With respect to those claims covered by the public liability program which the Risk Manager has been directed to pay in settlement, the Risk Manager shall have the authority to accept or give releases on behalf of the protected parties involved.
- b. The Risk Manager shall on behalf of the Liability Claims Committee present to the Board for its consideration the pertinent facts of each referred claim and the specific recommendation of the Risk Manager or the specific recommendation of the Committee with regard to tort claims.
- c. The Board shall review and vote on any claims referred by the Risk Manager or the Liability Claims Committee in accordance with current rules governing the operation of the Board.

#### 213 Availability of insurance.

- a. If collectible insurance is available to a protected party (including as an additional insured under the policy carried by others), except with respect to the deductible, if any, applicable

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### 308 Claims authority of Risk Manager.

- a. Subject to a maximum authorization of ~~thirty-five~~ ~~ten~~ thousand dollars in the aggregate for each accident for compensation and other benefits required of the protected party by a workers' compensation law and damages because of bodily injury by accident or bodily injury by disease, the Risk Manager shall have the authority to pay in settlement, without the need for prior approval, claims of a claimant covered by the employee liability program up to a total of ~~thirty-five~~ ~~ten~~ thousand dollars in the aggregate for each claimant for all compensation, benefits or damages combined. Subject to the maximum limits of coverage of the employee liability program, the Risk Manager shall also have the authority to pay and settle without prior approval, claims covered by the employee liability program when directed to do so by order of a deputy commissioner pursuant to the Florida Workers' Compensation Act, by a court of competent jurisdiction, by act of the State Legislature or by action of the Board. With respect to those claims covered by the employee liability program for which the Risk Manager has the authority to pay and settle without prior approval and those claims of the employee liability program for which the Risk Manager has been given necessary prior approval or direction to pay and settle, the Risk Manager shall have the authority to accept or give releases on behalf of the protected parties involved.
- b. Prior to offering a settlement or making payment in the aggregate of amounts in excess of the maximums for which the Risk Manager is authorized without the need for prior approval, the Risk Manager shall refer any claims of the employee liability program which exceed the authority of the Risk Manager to settle and pay to the Administrator. The Risk Manager shall, as a part of the referral, provide the Administrator with a written synopsis of the pertinent facts and a specific recommendation with respect to the settlement or payment of additional amount on the claim.
- c. The Risk Manager shall, if practicable, prior to offering a settlement to a claimant, advise a participant or department of the terms and conditions of the proposed settlement with respect to a specific claim about which the participant or department has expressed in writing a desire to be advised prior to the offering of settlement. The Risk Manager shall also, if practicable, prior to the offering of settlement to a claimant, advise a participant or department of the terms and conditions of the proposed settlement with respect to a claim arising out of an accident from which the total pure loss incurred by the participant or department is likely to exceed ~~thirty-five~~ ~~ten~~ thousand dollars. These agreements to advise a participant or department shall not be construed as a relinquishment of the right of the Risk Manager or the employee liability program to control and settle claims covered by the employee liability program.
- d. The Risk Manager shall have exclusive authority to settle claims within the specified settlement authorization and such settlement decisions shall not be subject to appeal to the Compensation Claims Committee or the Board.



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### 309 Claims authority of County Administrator.

- a. Subject to a maximum authorization of ~~seventy-five~~ ~~thirty~~ thousand dollars in the aggregate for each accident for compensation and other benefits required of the protected party by a workers' compensation law and damages because of bodily injury by accident or bodily injury by disease, the County Administrator shall have the authority to pay in settlement, without the need for prior approval, claims of a claimant covered by the employee liability program up to a total of ~~seventy-five~~ ~~thirty~~ thousand dollars in the aggregate for each claimant for all compensation, benefits or damages combined. With respect to those claims covered by the employee liability program for which the County Administrator has the authority to pay and settle without prior approval and those claims of the employee liability program for which the County Administrator has been given necessary prior approval or direction to pay and settle the County Administrator shall have the authority to accept or give releases on behalf of the protected parties involved.
- b. The County Administrator shall have exclusive authority to settle claims within the specified settlement authorization and such settlement decisions shall not be subject to appeal to the Board.

### 310 Claims authority of Board.

- a. Subject to a maximum authorization of the lesser of (1) the monetary limits of s. 768.28, Florida Statutes, or amendments thereto (if applicable to the specific claim), or (2) the maximum limits of coverage of the employee liability program, the Board shall have authority, applicable to claims referred to the Board by the Risk Manager, to direct the Risk Manager to pay in settlement claims covered by the employee liability program. With respect to those claims covered by the employee liability program which the Risk Manager has been directed to pay in settlement, the Risk Manager shall have the authority to accept or give releases on behalf of the protected parties involved.
- b. The Risk Manager shall present to the Board for its consideration the pertinent facts of each referred claim and a specific recommendation regarding such claims.
- c. The Board shall review and vote on any claims referred by the Risk Manager in accordance with current rules governing the operation of the Board.