

ORDINANCE NO. 2024-____

AN ORDINANCE AMENDING AND RESTATING THE “POLK COUNTY CLAIMS SETTLEMENT ORDINANCE;” DELEGATING LIMITED AUTHORITY TO THE RISK MANAGER; PROVIDING FOR THE CREATION OF A CLAIMS REVIEW COMMITTEE; PROVIDING STANDARDS FOR SETTLING CLAIMS; PROVIDING FOR CONSIDERATION OF WORKERS’ COMPENSATION CLAIMS; PROVIDING FOR REPORTING OF SETTLEMENTS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Polk County, Florida, as follows:

SECTION 1. GENERAL PROVISIONS.

This ordinance shall be known as the “Polk County Claims Settlement Ordinance.”

SECTION 2. DELEGATION OF LIMITED SETTLEMENT AUTHORITY TO THE RISK MANAGER.

A. Authority is hereby delegated to the Director of the Polk County Risk Management Division (the “Risk Manager”) to exercise of his or her professional judgment and discretion and apply the standards set forth in Section 4 below, in order to compromise, settle and adjust litigated and non-litigated claims, or authorize an independent claims adjuster or adjusting firm to compromise or adjust such claims (subject to final authorization by the Risk Manager), brought by Polk County against third parties and claims brought by third parties against Polk County, or its Constitutional Officers, and authorize the issuance or receipt of payments in settlement of such claims in an amount not to exceed fifty thousand dollars (\$50,000.00) for individual claims.

B. As prerequisite to the Risk Manager’s exercise of the authority delegated in Subsection 2.A. above, the Risk Manager must obtain the written approval of a Deputy County Manager and the County Attorney of the final settlement amount.

SECTION 3. CLAIMS REVIEW COMMITTEE.

A. There is created a committee to be known as the Claims Review Committee (the “Committee”). The Committee shall be made up of the following officials or their designee: 1) a member of the Board of County Commissioners, who shall act as the Chairman of the Committee; 2) the County Manager; 3) the Risk Manager; 4) the County Attorney; 5) the Clerk of the Court; and 6) any constitutional officer against whom a claim is made and is under consideration by the Committee. A majority of the members shall constitute a quorum for the

conduct of business of the Committee. The Committee shall review all litigated and non-litigated claims against Polk County which exceed fifty thousand dollars (\$50,000.00). The Committee shall evaluate whether each claim should be denied, settled or otherwise appropriately dispose of.

B. The Committee shall refer recommended settlements to the Board of County Commissioners for final approval.

SECTION 4. STANDARDS FOR SETTLING CLAIMS.

The decision to settle claims brought by third parties against Polk County shall be based upon a finding by either the Risk Manager or the Committee that:

A. Polk County's liability is undisputed or there is a strong probability that the County would be adjudged liable if the claim was litigated; or

B. The cost of defending such claim and the probable verdict in the event of litigation would equal or exceed the cost of settlement; and

C. In the case of property damage, the amount to be paid is supported by written estimates or is based upon standard itemized costs recognized in the insurance industry.

SECTION 5. WORKER'S COMPENSATION CLAIMS.

This ordinance shall not be applicable to the administration of claims under the Worker's Compensation Program administered in accordance with the Polk County Interlocal Agreement for Workers' Compensation Administration dated February 25, 2010; provided, however, if a claimant under the Workers' Compensation Program is under consideration for a lump sum settlement to discharge Polk County from liability for future compensation and medical benefits, such lump sum settlement shall be evaluated by the Risk Manager, the Committee, and/or the Board of County Commissioners, as applicable, in the same manner and subject to the same dollar amount thresholds set forth in Sections 2, 3 and 4 above.

SECTION 6. REPORTING OF SETTLEMENTS.

The Risk Manager shall make written reports to the Polk County Audit and Finance Committee, with a copy to the County Manager and County Attorney of all claims settled pursuant to this Ordinance.

SECTION 7. REPEAL OF CONFLICTING ORDINANCE.

Polk County Ordinance No. 2018-039 is hereby repealed in its entirety.

SECTION 8. SEVERABILITY.

If any provisions of this ordinance are for any reason held unconstitutional or otherwise invalid by a court of competent jurisdiction, the ordinance shall remain in effect as to its other provisions.

SECTION 9. EFFECTIVE DATE.

This ordinance shall become effective from the date of the receipt of the letter confirming its delivery to the Secretary of State.