

ORDINANCE 20-_____

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE PINELLAS COUNTY CODE BE AMENDED BY REVISING SECTION 2-142 OF SAID CODE; PROVIDING THAT THE RISK FINANCE ORDINANCE BE AMENDED TO MODIFY THE PROCEDURE FOR DEMANDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION OF THE CODE; APPROVING AND REJECTING SETTLEMENT DEMANDS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, by Ordinance 79-15, the Board of County Commissioners established the Risk Financing Program; and

WHEREAS, by Ordinance 02-70, the Board delegated limited authority for the County Administrator and County Attorney to settle matters, but requires that all matters above \$50,000.00 be brought before the Board for consideration; and

WHEREAS, at the time Ordinance 02-70 was adopted, the sovereign immunity limits were set at \$100,000.00 per claim and \$200,000.00 per occurrence; and

WHEREAS, the sovereign immunity limits are currently set at \$200,000.00 per claim and \$300,000.00 per occurrence; and

WHEREAS, multiple settlement offers will often be made in a single case resulting in the same case repeatedly coming to the Board for rejection when the offers exceed the current delegated authority; and

WHEREAS, due to applicable time frames for both the agenda as well as proposals for settlement, it is not always possible to bring settlement offers to the Board in a timely fashion; and

WHEREAS, increasing the delegated authority to resolve claims within the Risk Finance Program is consistent with other delegation and would allow for more efficient resolution of claims and lawsuits,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, that:

SECTION 1. Section 2-142 of the Pinellas County Code is hereby amended to read as follows:

Sec. 2-142. Risk finance program.

(a) There is hereby established a risk finance program through an intergovernmental service fund to be administered by the office of risk management under the direction of the county administrator. The risk finance program shall be administered within the following guidelines:

(1) The county administrator or his/her designee shall have the sole discretion to settle or reject settlement of all risk matters up to \$25,000.00.

(2) The county administrator or his/her designee and the county attorney shall have joint discretion to settle ~~or reject settlement of~~ all matters between \$25,000.00 and \$50,000.00.

(3) ~~The county administrator or his/her designee and the county attorney shall have joint discretion to reject settlement offers between \$25,000.00 and \$200,000.00.~~

(4) All other settlements not specifically addressed herein ~~above \$50,000.00~~ shall be brought before the county commission for a vote.

~~(4)~~

(5) All settlements above the sovereign immunity limits set forth in §768.28, Fla. Stat., shall require review and approval by outside counsel.

(b) The risk finance program funding shall be set at a level adequate to meet the costs of insurance and services, administration and reserve necessary to meet any self-insured losses.

(c) The fund shall not be reduced except by a majority vote of the members of the board of county commissioners.

SECTION 2. Severability. If any Section, Subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 3. Inclusion in Code. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pinellas County Code and that the sections of this Ordinance may be renumbered or relettered and the word “ordinance” may be changed to section, article or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 4. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the ordinance with the Department of State.