

1 Introduced by the Council President at the request of the Sheriff:
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4 **ORDINANCE 2024-45**

5 AN ORDINANCE AMENDING SECTION 112.307 (CLAIMS
6 AND SUITS BROUGHT AGAINST THE CITY FOR MONETARY
7 RELIEF), PART 3 (SETTLEMENT OF CLAIMS AND SUITS
8 BY AND AGAINST CITY), CHAPTER 112 (CLAIMS BY AND
9 AGAINST CITY), *ORDINANCE CODE*, AND SECTION
10 128.313 (SETTLEMENT OF CLAIMS), SUBPART C
11 (SETTLEMENT AND SPECIAL COUNSEL), PART 3 (SELF-
12 INSURANCE PROGRAM), CHAPTER 128 (RISK MANAGEMENT
13 PROGRAM), *ORDINANCE CODE*, TO REQUIRE NOTICE TO
14 AND APPROVAL BY ANY CONSTITUTIONAL OFFICER OF
15 ANY SETTLEMENT OF CLAIMS BROUGHT AGAINST SUCH
16 INDIVIDUAL, THEIR AGENCY OR ANY OF THEIR
17 EMPLOYEES FOR WHOM COVERAGE IS PROVIDED PURSUANT
18 TO SECTION 128.104, *ORDINANCE CODE*, OR FOR WHICH
19 SETTLEMENT IS AUTHORIZED PURSUANT TO SECTION
20 112.307, *ORDINANCE CODE*; PROVIDING FOR
21 SEVERABILITY; PROVIDING FOR CODIFICATION
22 INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.
23

24 **WHEREAS**, pursuant to Sections 128.102 and 128.104, *Ordinance*
25 *Code*, the City is a self-insured against personal injury, accident
26 and other tort-related claims against the City, its elected officials,
27 certain Independent Agencies and their employees who acted who acted
28 within their course and scope of their employment and volunteers
29 acting in good faith and in the best interest of their agency; and

30 **WHEREAS**, the City's Risk Manager administers the Risk Management
31 program created in the Risk Management Code, Chapter 128 *Ordinance*

1 Code; and

2 **WHEREAS**, Section 128.313, *Ordinance Code*, authorizes and
3 provides a procedure for the settlement of such claims by the Risk
4 Manager; and

5 **WHEREAS**, non-personal injury, non-accident and other non-tort-
6 related claims for monetary damages that are not encompassed within
7 Chapter 128, *Ordinance Code*, are authorized to be settled by the City
8 pursuant to the procedures in Section 112.307, *Ordinance Code*, and

9 **WHEREAS**, neither the existing provisions of Section 128.313,
10 *Ordinance Code*, nor Section 112.307, *Ordinance Code*, provide any
11 requirement for the Constitutional Officer (who has been personally
12 named, who's agency or employee has been named, or who is the subject
13 of claims made in any civil litigation seeking monetary damages or
14 other relief) to be consulted or to participate in settlement
15 discussions, negotiations or decisions that may impact the operation,
16 reputation or image of their office; now therefore

17 **BE IT ORDAINED** by the Council of the City of Jacksonville:

18 **Section 1. Amending Section 112.307 (Claims and suits**
19 **brought against the City for monetary relief), Part 3 (Settlement of**
20 **Claims and Suits by and Against City), Chapter 112 (Claims by and**
21 **Against City), Ordinance Code.** Section 112.307 (Claims and suits
22 brought against the City for monetary relief), Part 3 (Settlement of
23 Claims and Suits by and Against City), Chapter 112 (Claims by and
24 Against City), *Ordinance Code*, is hereby amended to read as follows:

25 **CHAPTER 112. CLAIMS BY AND AGAINST CITY**

26 * * *

27 **PART 3. SETTLEMENT OF CLAIMS AND SUITS BY AND AGAINST CITY**

28 * * *

29 **Sec. 112.307. - Claims and suits brought against the City for**
30 **monetary relief.**

31 (a) Whenever there shall be a bona fide reasonable doubt or dispute

1 as to liability or amount due on any claim or in any court action
2 brought against the City seeking monetary relief, such claim,
3 whether in litigation or not, shall be compromised and settled
4 as follows:

5 (1) If the amount of the settlement of such claim is less than
6 \$5,000: When the appropriate department head or the
7 Sheriff, Clerk of Court, Property Appraiser, Tax Collector
8 or Supervisor of Elections (individually each a
9 "Constitutional Officer"), as the case may be, or his or
10 her designee, deems in writing that it is in the best
11 interest of the City and his or her agency or office to
12 settle the claim or court action and has the written
13 concurrence of the General Counsel or his Assistant
14 Counsel, such department head or Constitutional Officer
15 listed above or his or her designee may authorize
16 settlement of the claim.

17 (2) If the full amount of such claim is \$5,000 or greater:

18 (i) When the amount of the settlement of the claim or
19 court or administrative action against the City,
20 including attorneys' fees and costs, does not exceed
21 the sum of \$10,000, if the General Counsel deems in
22 writing that it is in the best interest of the City
23 to settle the claim or court action, and upon
24 receiving written approval of the appropriate
25 department head or the appropriate Constitutional
26 Officer or his or her designee, as applicable, the
27 General Counsel shall have authority to compromise
28 and settle the claim.

29 (ii) When the total amount of the settlement, including
30 attorneys' fees and costs, exceeds the sum of \$10,000,
31 but does not exceed the sum of \$50,000, the Mayor

1 shall have the authority to compromise and settle the
2 claim upon receipt of favorable written
3 recommendations from the General Counsel and upon
4 receiving written approval of the appropriate
5 Constitutional Officer or his or her designee, and
6 either the Director of Finance and Administration or
7 the Chairman of the City Council Finance Committee,
8 that they deem it to be in the best interests of the
9 City to settle the claim or court action. ~~An~~
10 ~~independent recommendation, either favorable or~~
11 ~~unfavorable, shall be received by the Mayor from each~~
12 ~~of the above-named officials when the claim is~~
13 ~~settled.~~

14 (iii) When the total amount of such settlement, including
15 attorneys' fees and costs, exceeds \$50,000, such
16 claim and court or administrative action brought
17 against the City can be settled only by approval of
18 the City Council and upon receiving written approval
19 of the appropriate Constitutional Officer or his or
20 her designee.

21 (3) The appropriate department head or appropriate
22 Constitutional Officer or his or her designee, with written
23 concurrence of the General Counsel, shall authorize, in
24 writing, the appeal of an adverse ruling against the City.

25 * * *

26 **Section 2. Amending Section 128.313 (Settlement of claims),**
27 **Subpart C (Settlement and Special Counsel), Part 3 (Self-Insurance**
28 **Program), Chapter 128 (Risk Management Program), Ordinance Code.**
29 Section 128.313 (Settlement of Claims), Subpart C (Settlement and
30 Special Counsel), Part 3 (Self-Insurance Program), Chapter 128 (Risk
31 Management Program), *Ordinance Code*, is hereby amended to read as

1 follows:

2 **CHAPTER 128. RISK MANAGEMENT PROGRAM**

3 * * *

4 **PART 3. SELF-INSURANCE PROGRAM**

5 * * *

6 **SUBPART C. SETTLEMENT AND SPECIAL COUNSEL**

7 **Sec. 128.313. - Settlement of claims.**

8 (a) Claims arising from any of the risks covered by the Self-
9 Insurance Program, shall be settled as follows, provided
10 however, that in no instance can a claim against the Sheriff,
11 Clerk of Court, Property Appraiser, Tax Collector or Supervisor
12 of Elections (individually each a "Constitutional Officer"), or
13 any of their respective employees or agencies, be settled unless
14 it has been approved in writing by the appropriate
15 Constitutional Officer or his or her designee or, in the case
16 of suits against an individual employee, approval of the
17 employee:

18 (1) Claims that can be settled in the field, by the City's
19 authorized adjusters on behalf of the Self-Insurance
20 Program, may be settled (including the provision and
21 acceptance of releases on behalf of the Participant
22 involved), without the necessity of obtaining prior
23 approval of the settlement provided the settlement does
24 not exceed \$5,000 for bodily injury and \$5,000 for property
25 damage per occurrence.

26 (2) All settlements of claims that do not exceed \$50,000, and
27 are not in litigation, the Risk Manager or Director, upon
28 deeming it to be in the best interest of the Self-Insurance
29 Program to settle the claim, shall have the authority to
30 accept or give proper releases on behalf of the
31 participants involved and to settle the claims (but he or

1 she may not settle claims arising out of the same
2 occurrence exceeding in the aggregate of the limitation of
3 liability and specified in F.S. § 768.28(5), where
4 applicable, as amended).

5 (3) All settlements of claims that do not exceed \$50,000, but
6 are in litigation, the Director and the Risk Manager, upon
7 deeming it to be in the best interest of the Self-Insurance
8 Program to settle the claim, with the concurrence of the
9 General Counsel or his or her designee, shall have the
10 authority to accept or give proper releases on behalf of
11 the participants involved and to settle the claims (but he
12 or she may not settle claims arising out of the same
13 occurrence exceeding in the aggregate of the limitation of
14 liability and specified in F.S. § 768.28(5), where
15 applicable, as amended).

16 (4) All settlements of claims exceeding \$50,000, but not
17 exceeding \$200,000, the Director, upon a favorable written
18 recommendation of the Risk Manager and the General Counsel,
19 or his or her designee, upon deeming it to be in the best
20 interest of the Self-Insurance Program to settle the claim,
21 shall have the authority to accept or give proper releases
22 on behalf of the participants involved and to settle the
23 claims (but he or she may not settle claims arising out of
24 the same occurrence exceeding in the aggregate of the
25 limitation of liability and specified in F.S. § 768.28(5),
26 where applicable, as amended).

27 (5) For all settlements of claims exceeding \$200,000, the
28 Mayor, upon the written recommendation of the Risk Manager,
29 General Counsel or his or her designee, the Director, and
30 the chairperson of the Council Finance Committee, that they
31 deem it to be in the best interest of the Self-Insurance

1 Program to settle the claim, shall have the authority to
2 accept or give proper releases on behalf of the participant
3 involved and to settle the claims (as long as such
4 settlement does not exceed those limitations of liability
5 established in F.S. § 768.28(5), where applicable, as
6 amended).

7 (b) The authority granted by this Section shall be applicable only
8 to claims arising out of the risks covered by the Self-Insurance
9 Program. Otherwise, the provisions of Chapter 112 shall be
10 applicable to the settlement of claims and suits by or against
11 the City.

12 (c) Notwithstanding anything in the Ordinance Code to the contrary,
13 the General Counsel or the Director are authorized to employ
14 outside general counsel and special counsel, from time to time,
15 to perform legal services in connection with claims asserted
16 against the Self-Insurance Program. The employment of outside
17 general counsel and special counsel, and the compensation to be
18 paid thereto, shall be subject to the prior written concurrence
19 of the General Counsel or his or her designee, the Director or
20 the Budget Officer, and either the chairperson of the Council
21 Finance Committee or the Council President. Outside general
22 counsel and special counsel employed under the provisions of
23 this subsection shall be paid as Claim Expense from the Self-
24 Insurance Program, as provided in section 128.306.

25 (d) Subject to the right of review of the Mayor or Director, all
26 strategic decisions related to the settlement of claims covered
27 by the Self-Insurance Program, not otherwise provided for
28 herein, including but not limited to decisions related to the
29 expenditure of costs and decisions to appeal, shall be made by
30 the Risk Manager after consultation, as appropriate, with the
31 Office of General Counsel and, for claims against the Sheriff,

1 Clerk of Court, Property Appraiser, Tax Collector or Supervisor
2 of Elections, or any of their respective employees or agencies,
3 with the concurrence of the appropriate Constitutional Officer
4 or his or her designee or, in the case of suits against an
5 individual employee, approval of the employee.
6

7 **Section 3. Severability.** If any section, clause, sentence,
8 or provision of this ordinance or the application of such section,
9 clause, sentence, or provision to any person or bodies or under any
10 circumstances shall be held to be inoperative, invalid, or
11 unconstitutional, the invalidity of such section, clause, sentence,
12 or provision shall not be deemed, held, or taken to affect the
13 validity or constitutionality of any of the remaining parts of this
14 ordinance, or the application of any of the provisions of this
15 ordinance to persons, bodies, or in circumstances other than those
16 as to which it or any part thereof shall have been inoperative,
17 invalid, or unconstitutional, and it is intended that this ordinance
18 shall be construed and applied as if any section, clause, sentence,
19 or provision held inoperative, invalid, or unconstitutional had not
20 been included in this ordinance.

21 **Section. 4. Codification Instructions.** The Codifier and the
22 Office of General Counsel are authorized to make all chapter and
23 division "tables of contents" consistent with the changes set forth
24 herein. Such editorial changes and any others necessary to make the
25 *Ordinance Code* consistent with the intent of this legislation are
26 approved and directed herein, and changes to the *Ordinance Code* shall
27 be made forthwith and when inconsistencies are discovered.

28 **Section. 5. Effective Date.** This ordinance shall become
29 effective upon signature by the Mayor or upon becoming effective
30 without the Mayor's signature.
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1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Gaby Young

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