

## CLAIMS SETTLEMENT AUTHORITY

FLORIDA LAW PROVIDES THAT THE SCHOOL BOARD SHALL BE THE ENTITY OF THE SCHOOL DISTRICT WITH THE POWER TO SUE AND BE SUED AS WELL AS HAVE THE AUTHORITY TO PROVIDE PROTECTION AGAINST PROPERTY LOSS OR ANY OTHER LOSS FOR WHICH CLAIMS ARE MADE AGAINST THE SCHOOL BOARD OR ITS OFFICERS, AGENTS, OR EMPLOYEES MAY BE RESPONSIBLE UNDER LAW. THIS POLICY OUTLINES THE AUTHORITY FOR THE SETTLEMENT OF SUCH CLAIMS AND WHEN SUCH CLAIMS SHALL BE BROUGHT TO THE SCHOOL BOARD FOR FORMAL APPROVAL.

1. The term “claims” as used herein includes the following: demands made for compensation or other relief in the course of an investigation or litigation, in general liability matters, workers’ compensation matters, automobile liability matters, professional liability / errors and omissions cases, as well as constitutional and statutory causes of action. This term does not include grievances concerning collective bargaining agreements.

2. The term “settle” as used herein includes negotiation, payment, and/or acceptance of monetary amounts within the limits set forth herein to resolve claims. This also includes the execution of appropriate releases and/or other settlement documents in a form approved by the General Counsel’s Office.

### **3. Liability Claims not in excess of \$10,000.00**

The School Board’s authorized Third-Party Administrator for Casualty Lines Claims (hereinafter “TPA”) shall have authority to accept and settle, at its sole discretion, those claims not exceeding the sum of \$10,000.00.

### **4. Liability Claims in excess of \$10,000.00 up to \$50,000.00**

The authorized TPA shall thereafter have authority to accept and settle claims between \$10,000.00 up to and including \$50,000.00 with the written approval of the Director of the Risk Management Department.

### **5. Liability Claims in excess of \$50,000.00 up to \$300,000.00**

For any claims exceeding \$50,000.00, the TPA is authorized to accept, settle, and execute all necessary settlement documents for such claims up to the limits of the School Board’s self-insured retention (\$300,000.00) with the written approval of the Director of the Risk Management Department and the District’s General Counsel.

### **6. Liability Claims in excess of \$300,000.00**

For claims exceeding the limits of the self-insured retention (\$300,000.00), approval of the Director of the Risk Management Department, the District’s General Counsel, the School Board and the Excess Carrier shall be required.

7. For all claims the TPA, as well as the Director of the Risk Management Department, shall receive complete reports and recommendations regarding the case and shall have the option of requesting participation and/or assignment of legal counsel to review if legal counsel is not otherwise involved.

8. The TPA and the Director of the Risk Management Department have authority to settle any subrogation, excess insurance reimbursement, thirty party liens, contribution or indemnity claims within the limits for other claims as set forth herein.

**9. Workers' Compensation Claims up to \$100,000.00**

The authorized in-house Workers' Compensation Division shall have authority to accept and settle claims up to and including \$100,000.00 with the written approval of the Director of the Risk Management Department.

**10. Workers' Compensation Claims in excess of \$100,000.00**

For any claims exceeding \$100,000.00, the in-house Workers' Compensation Division is authorized to accept, settle, and execute all necessary settlement documents for such claims up to the limits of the School Board's self-insured retention with the written approval of the Director of the Risk Management Department, the District's General Counsel and the Excess Carrier.

11. The Superintendent has settlement authority in claims where no monetary compensation is to be paid.

12. An annual report of settlements will be presented to the Board at a scheduled School Board Workshop.

13. Any and all notices required by law for any settlements under this Policy shall be properly published by the Risk Management Department.

AUTHORITY: F.S. 1001.41, 1001.43(2) and (10), 120.81

LAWS IMPLEMENTED: F.S. 1001.42(12)(k), 768.28

POLICY ADOPTED: 8/19/14

POLICY AMENDED: NA