

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Rafael A. Paz, City Attorney

DATE: September 28, 2022 *REVISED for RAP*

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, VESTING IN THE CITY MANAGER AND CITY ATTORNEY OF MIAMI BEACH, FLORIDA, OR THEIR RESPECTIVE DESIGNEE(S), AUTHORITY TO SETTLE ALL CLAIMS (LIABILITY AND WORKERS COMPENSATION) FOR AMOUNTS UP TO AND INCLUDING \$200,000.00 PER CLAIMANT FILED AGAINST THE CITY OF MIAMI BEACH SELF INSURANCE FUND.

The proposed Resolution, which is sponsored by Mayor Dan Gelber, is submitted for consideration by the City Commission at the September 28, 2022 Commission meeting.

RECOMMENDATION

For the reasons outlined in this Memorandum, the Administration recommends that the City Commission modify the authority vested via City of Miami Beach Resolution No. 90-19982 by granting the City Manager and the City Attorney of the City of Miami Beach or their respective designee(s) authority to authorize settlements for all self-insurance claims (liability and workers compensation) for amounts up to and including \$200,000.00 per claimant filed against the City of Miami Beach Self Insurance Fund (increased from \$100,000.00).

BACKGROUND

As of December 11, 1985, the City of Miami Beach became fully self-insured in the area of liability claims and as of December 1, 1986 became self-insured in the area of workers compensation. Review of these insurance claims has been handled in-house since February of 1986 via the passage of City of Miami Beach Resolution No. 86-18387.

Pursuant to City of Miami Beach Resolution No. 90-19982, the City Manager and the City Attorney of the City of Miami Beach or their respective designees are presently vested with the authority to authorize settlements for all self-insurance claims (liability and workers compensation) for amounts up to and including \$100,000.00 filed against the City of Miami Beach Self Insurance Fund.

However, pursuant to the passage and enactment of Florida Senate Bill 2060 (2010), effective October 1, 2011, the sovereign immunity cap in section 768.28 of the Florida Statutes was increased from \$100,000.00 per claimant to \$200,000.00 per claimant (among other

modifications), thereby warranting an updated dollar amount in the settlement authority authorized pursuant to the passage of City of Miami Beach Resolution No. 90-19982.

For purposes of ensuring expedition of case settlements, including, but not limited to, cases brought pursuant to section 768.28 of the Florida Statutes, the settlement authority vested in the City Manager and the City Attorney of the City of Miami Beach or their respective designee(s) should be modified to grant the authority to authorize settlements for all self-insurance claims (liability and workers compensation) for amounts up to and including \$200,000.00 per claimant.

FISCAL IMPACT

Pursuant to Section 2-12 of the City Code, the proposed resolution will not result in an anticipated increase in budgeted revenues or expenditures of the City in this fiscal year, or in the next fiscal year.

RAP/RFR/ag