

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: April 19, 2016

Consent       Regular  
 Public Hearing

Department

Submitted By: COUNTY ATTORNEY

Submitted For:

I. EXECUTIVE BRIEF

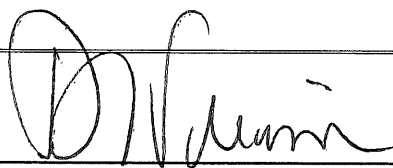
**Motion and Title:** Staff recommends motion to adopt: a resolution of the Board of County Commissioners of Palm Beach County, Florida, authorizing the County Administrator or designee (the Fire-Rescue Administrator) to reject settlement offers in personal injury protection ("PIP") insurance claim lawsuits filed on the County's behalf against insurers; providing for effectiveness.

**Summary:** Since April 1, 2015, the County has contracted with an outside law firm to provide legal services to the County relating to personal injury protection ("PIP") insurance claims for auto-related Fire-Rescue emergency transport services. These legal services include representation of, and expert advice to, the County in lawsuits filed on the County's behalf against insurers to recover PIP insurance benefits due to the County from its provision of Fire-Rescue emergency transport services. Given the large volume of such actions and the need for an expeditious response to settlement offers made by insurers, the process of rejecting settlement offers may be implemented more effectively and expeditiously by delegating to the County Administrator or designee (the Fire-Rescue Administrator) the authority to reject such settlement offers, provided that the settlement offer is for an amount less than the full value of the County's claim and that rejection of the settlement offer is recommended by the County's PIP attorney. Should the PIP attorney recommend acceptance of a settlement offer, review and approval of such will be processed in accordance with existing County procedures. Countywide (SGB)

**Background and Justification:** The Board directed staff to hire a PIP attorney to work with Fire-Rescue's third-party billing company to enhance recovery of PIP benefits from insurers. Pursuant to RFP CA/2015-01, Gordon & Doner was selected. The County's contract with Gordon & Doner, P.A. is for a three year term, which commenced on April 1, 2015. The contract provides for no payment to the law firm by the County; however, the law firm may retain attorney's fees and costs in related PIP litigation.

**Attachments:**

- 1. Resolution

Recommended by:       3/21/16  
County Attorney      Date

Approved by: N/A      \_\_\_\_\_  
Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<b>**</b>	_____	_____	_____	_____
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

Is Item Included in Current Budget?      Yes \_\_\_\_\_ No \_\_\_\_\_

Budget Account No.:      Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_


Reporting Category \_\_\_\_\_


**B. Recommended Sources of Funds/Summary of Fiscal Impact:**  
 \*\*No Fiscal Impact.

**C. Departmental Fiscal Review:** \_\_\_\_\_

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Development and Control Comments:**

  
 OFMB 3/28/16

  
 Contract Development and Control 3/28/16

**B. Legal Sufficiency:**

  
 Assistant County Attorney 3/21/16

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

**THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.**

**RESOLUTION NO. R-2016-**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR OR DESIGNEE (THE FIRE-RESCUE ADMINISTRATOR) TO REJECT SETTLEMENT OFFERS IN PERSONAL INJURY PROTECTION (“PIP”) INSURANCE CLAIM LAWSUITS FILED ON THE COUNTY’S BEHALF AGAINST INSURERS; PROVIDING FOR EFFECTIVENESS.**

**WHEREAS**, since April 1, 2015, the County has contracted with an outside law firm to provide legal services to the County relating to personal injury protection (“PIP”) insurance claims for auto-related Fire-Rescue emergency transport services; and

**WHEREAS**, these legal services include representation of, and expert advice to, the County in lawsuits filed on the County’s behalf against insurers to recover PIP insurance benefits due to the County from its provision of Fire-Rescue emergency transport services; and

**WHEREAS**, the Board hereby determines that, given the large volume of such lawsuits and the need for an expeditious response to settlement offers made by insurers, the process of rejecting such settlement offers may be implemented more effectively and expeditiously by delegating to the County Administrator or designee (the Fire-Rescue Administrator) the authority to reject such settlement offers, provided that the settlement offer is for an amount less than the full value of the County’s claim and that rejection of the settlement offer is recommended by the County’s PIP attorney; and

**WHEREAS**, the rejection of such settlement offers within the parameters set forth herein is a ministerial function which the Board wishes to delegate and does not constitute policy level decision making.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA**, that:

1. The County Administrator or designee (the Fire-Rescue Administrator) is hereby authorized to reject, on behalf of the Board, settlement offers in PIP insurance claim lawsuits filed on the County’s behalf against insurers, provided that the settlement offer is for an amount less than the full value of the County’s claim and that rejection of the settlement offer is recommended by the County’s PIP attorney.
2. This Resolution shall take effect upon its adoption.

The foregoing Resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

- Commissioner Mary Lou Berger, Mayor -
- Commissioner Hal R. Valeche, Vice Mayor -
- Commissioner Paulette Burdick -
- Commissioner Shelley Vana -
- Commissioner Steven L. Abrams -
- Commissioner Melissa McKinlay -
- Commissioner Priscilla A. Taylor -

The Mayor thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, CLERK & COMPTROLLER

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By:   
County Attorney