



**LAKE COUNTY**  
BOARD OF COUNTY COMMISSIONERS  
*County Procedure*

**Title:** Property & Liability Program

**Number:** ES-5.02.02

**Approved:** October 27, 2010

**Cancels:** ES-5.02.02 dated  
July 13, 2009.

**Originator:** Department of Employee  
Services

**Review:** October 27, 2015

**I. PURPOSE AND SCOPE**

The purpose of this document is to provide procedures for reporting property damage and liabilities.

**II. REFERENCES**

- A. Chapter 768.28, Florida Statutes, Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.
- B. Workers' Compensation and Property & Liability Policy (LCC-71)
- C. Workers' Compensation Program (ES-5.02.01)
- D. Workers' Compensation and Property & Liability Claims Settlement Policy (LCC-72)
- E. Workers' Compensation and Property & Liability Claims Committee (ES-5.03.01)

**III. APPLICABILITY**

This procedure applies to all employees of Lake County Board of County Commissioners (BCC) and County volunteers.

**IV. PROCEDURES**

During a Property & Liability claim, it is important that the manager/supervisor, employee

and the Third Party Administrator communicate with one another to ensure that all information is obtained concerning the claim. The Department of Employee Services (Employee Services) is always available to answer questions or provide guidance concerning Property & Liability policies and procedures.

#### A. Responsibilities

1. Employee - All Lake County employees are required to immediately report to their Supervisor any incidents involving damage to Lake County property. The employee must not admit liability or offer a settlement in situations when damage is made to citizen(s) property.
2. Management/Supervisory - Supervisors will immediately complete the property damage reports for incidents involving damage to Lake County or citizens' property. The supervisor is responsible for ensuring that all reports are completed, collected, and submitted as a complete packet to the Office of Employee Services immediately following an incident. (See Section F)
3. Service Providers - The Third Party Administrator (TPA) will gather information, communicate with claimants, obtain statements, and when necessary, negotiate settlements.
4. Employee Services will contact the Third Party Administrator concerning property & liability claims, coordinate meetings and actions of the Worker's Compensation and Property & Liability Claims Committee, and advocate the County's position regarding settlement of claims.

#### B. Damage to County Property

1. Supervisors must report any damage to County property to Employee Services immediately following an incident or as soon as possible after the damage has been discovered utilizing the property damage forms. The forms must include information on the year, make, model, and County property item number. A photo of the damaged item should also be provided. (See Section F)
2. Any incident involving vehicle damage, theft, disappearance, vandalism or "hit and run" must also be reported immediately to the appropriate law enforcement authority.
3. If County property damage is under \$1,000, the repair payments will be the responsibility of the Department that had custody of the equipment at the time of the incident. It is recommended that the Department obtain at least two (2) estimates for repair.

4. If County property damage is over \$1,000, the repair payments will be the responsibility of Employee Services and TPA.
5. Employee Services will act as the liaison between the supervisor and the TPA, to obtain the necessary information, provide contact information for appraisals, provide explanations and advocate the County's position on any settlement recommended by the TPA.

#### C. Damage to County Vehicles

All accidents involving damage to County vehicles shall be reported to Employee Services immediately following an incident. The Supervisor will forward the completed Lake County Property Damage forms and a copy of the local authorities' investigation report from the accident scene, if applicable, to Employee Services. The supervisor should take pictures of the vehicle damage and the accident scene and forward them to Employee Services, along with any documents and reports.

1. Local Authorities' Accident Report
  - a. County at fault - If the appropriate law enforcement authority's accident report from the scene of the accident indicates that the County vehicle driver was at fault, the supervisor will require the employee driver to submit to a drug and alcohol test at a Lake County authorized Healthcare Provider immediately following the local authorities' completed investigation. The supervisor will escort the employee to the testing facility. If the County driver is at fault, Employee Services will conduct an investigation to gather more information and make recommendations for preventing future accidents and possible corrective action towards employee involved.
  - b. Driver at fault - If the local authorities' accident report from the scene of the accident indicates that the other vehicle driver is at fault, the County driver will obtain the other driver's insurance company information. Employee Services will contact the driver at fault's insurance company for claim reporting, appraisal, and payment procedures.
2. If the preliminary estimate of the County vehicle damage is over \$1000, estimates shall be obtained from two (2) local repair shops and submitted to Employee Services. Employee Services will advise the supervisor to schedule repairs at an approved facility. Once the repairs are complete, Employee Services or the TPA will process the payment.
3. When necessary, Employee Services will report the claim to the TPA and the TPA will contact a property damage appraiser to assess the amount of damage.

The vehicle will be repaired at a repair shop according to the appraised estimate and the TPA will process payment directly to the repair shop or the claimant.

#### D. Personal Vehicles

1. Employees who choose to drive their personal vehicle on County business will be required to report any claims for their personal vehicle to their personal insurance. The employee's personal insurance shall cover damages for his/her personal vehicle. The County will not reimburse employees for deductibles on insurance policies.
2. If a personal vehicle is to be used for County business, the employee shall:
  - a. maintain auto insurance in accordance with Florida state law,
  - b. provide proof of insurance to Employee Services upon request,
  - c. maintain the vehicle in safe operating condition.
3. Motorcycles may not be used for County business.
4. County logos shall not be applied to personal vehicles.

#### E. Injury and/or Property Damage to a Citizen

Supervisor must notify Employee Services immediately following an injury and/or property damage to a citizen.

1. Citizens' injuries or property damage at a County facility

The supervisor must report the incident immediately to Employee Services. The Citizen Property Damage & Injury Report form must be completed by the supervisor. The supervisor is responsible for ensuring that all appropriate reports are completed, collected, and submitted to Employee Services immediately following an incident. (*See Section F*)

2. Citizen's injury, vehicle or other property damage claims

Employee Services will investigate the incident and decide whether the claim should be accepted, denied and/or sent to the TPA for further investigation. If a claim is to be denied, a denial letter will be sent to the claimant. If it is determined that the County has responsibility for the damage, the TPA will assign an appraiser to assess the damage. Employee Services and/or the TPA will request settlement authority from the County.

3. Citizen's vehicle damaged by a County road defect

Employee Services will investigate a report from a citizen claiming damage to personal vehicle caused by a Lake County road defect.

- a. Employee Services will obtain details of damage from citizen (and witness/es if available) and complete the Potholes and Other Road Hazards Report form.
- b. Employee Services will contact the Public Works Road Operations department and provide information on the road defect. This information will include location, direction citizen traveling, distance from edge of road, dimensions, etc. Employee Services will request maintenance records, if any, on the pothole and/or other road defect. If the maintenance record for road defect will include the location and when the repair was completed. The Public Works Road Operations Department/Division will also provide information if there are no previous complaints of the road defect. The Public Works Road Operations Department/Division are to respond with the information on the road defect as soon as possible.
- c. If there are no previous complaints or if Public Works Road Operations have repaired a pothole and/or other road hazards within 72 hours of receiving notification of the road defect, Employee Services will forward a Denial Letter, if applicable to the citizen.

F. County Property Damage caused by Citizen or Private Entity

1. If post-incident investigation indicates that damage to Lake County property was caused by a citizen or private entity (such as County guardrail damage from a vehicle accident), Employee Services will contact the citizen to obtain insurance contact information and contact the citizen's insurance company for payment.
2. If the citizen is uninsured, uncooperative or unreachable, the County and/or the TPA will attempt to recover costs for the County property damage. If the costs are not recovered, payment will be processed by the County and/or TPA from the County's insurance fund.

G. Property & Liability Reports

The Lake County Workers' Property & Liability Webpage provides specific information on the County's Property & Liability procedures and forms. The following Property & Liability reports can be obtained from the Lake County intranet, either

through the “Forms” Quick Link or by going to the Employee Services Property & Liability webpage through the intranet or the internet.

Supervisors are responsible for ensuring that all appropriate reports are completed, collected, and submitted to Employee Services immediately following an incident.

1. Supervisor is responsible to insure that the following respective Lake County reports are immediately completed after incidents involving damage to County property, including buildings, vehicles and equipment.
  - a. Required: Lake County Property Damage – Supervisor Investigation
  - b. Required: Lake County Property Damage – Employee Statement
  - c. Required if witness(s): Incident Report – Witness Statement
2. Citizen Property Damage & Injury Report – The Supervisor must complete immediately for any County incident that involves injury and/or property damage to a citizen.
3. Lake County Property Damage - Lightning Loss Affidavit
  - a. A Certified Electrician must complete following lightning damage to County property.
  - b. The form must be notarized before forwarding it to Employee Services.
4. Pothole and Other Road Hazards Report – Employee Services must complete following a report of a road hazard claim by a citizen.

#### H. Workers’ Compensation and Property & Liability Claims Committee

The purpose of the Workers’ Compensation and Property & Liability Claims Committee is to review, approve/deny and settle Workers’ Compensation, Property and/or Liability claims of \$25,000 or less, and will review and recommend for approval claims greater than \$25,000 to be presented to the Board of County Commissioners for approval. The Workers’ Compensation and Property & Liability Claims Committee shall accept or give all proper releases on behalf of the County.

The Board of County Commissioners upon deeming it to be in the best interest of the program to settle a worker’s compensation, property or liability claim shall have the authority to do so for claims with a value greater than \$25,000.

I. Safety Action Team

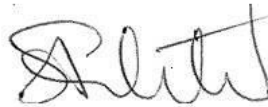
The Safety Action Team will review Property Damage reports at monthly meetings and make recommendations to reduce or eliminate future damage to County property.

J. Further Investigation

Employee Services may require more information than the Property Damage Reports provide. An investigation can be initiated if Employee Services deems it necessary because of information either contained or lacking in the reports. An Employee Services employee will conduct an investigation to gather more information and make recommendations for corrective actions.

V. **RESERVATION OF AUTHORITY**

The authority to issue or revise this Procedure is reserved to the County Manager. The County Manager may authorize exceptions to this procedure when deemed appropriate.



---

Sanford A. Minkoff  
Interim County Manager  
Lake County