



Legislation Details (With Text)

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Title: APPROVING SETTLEMENT OF THE SUBROGATION CLAIM WITH FLORIDA POWER AND LIGHT AS PAYMENT FOR THE REAR END COLLISION WITH THEIR INSURED, STEPHEN FLETT, FOR \$95,000 WITHOUT ADMISSION OF LIABILITY

Sponsors:

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Attachments: 1. RESOLUTION, 2. CORRESPONDENCE

Date	Ver.	Action By	Action	Result
3/4/2015	2	Regular City Commission Meeting		

TO: Mayor and City Commission

FROM: Douglas E. Smith, City Manager

DATE: March 4, 2015

APPROVING SETTLEMENT OF THE SUBROGATION CLAIM WITH FLORIDA POWER AND LIGHT AS PAYMENT FOR THE REAR END COLLISION WITH THEIR INSURED, STEPHEN FLETT, FOR \$95,000 WITHOUT ADMISSION OF LIABILITY

BACKGROUND: Former Police Officer Ivan Rivera (a terminated employee) was involved in a motor vehicle accident, striking the rear of a vehicle driven by claimant Stephen Flett, on January 30, 2011. A claim for subrogation was brought by FP&L to recover some of the \$400,000.00 paid to Mr. Flett pursuant to the Employee Vehicle Business Use Agreement (a private insurer).

Mr. Flett, who had a fused cervical spine in the early 2000's, was required to have another surgical fusion in his cervical spine, because of this motor vehicle accident, and his medical bills total approximately \$148,000. He further claims lost wages, as a tree surgeon, of \$150,000.

Recovery is limited by the Sovereign Immunity Cap, which at the time of this accident was \$100,000.00. In order for it to be less than \$100,000, a jury would have to find that Mr. Flett's comparative negligence was in excess of 75% in the rear end collision of his car by a City vehicle.

RECOMMENDATION: For approval.

FISCAL IMPACT: \$95,000 from the Self-Insurance Fund

CONTACT PERSON: Eugene M. Steinfeld, City Attorney