

Meeting Date
March 3, 2015



AGENDA	
Section	New Business
Item No.	VI.A.1

**AGENDA REPORT**  
**BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**

SUBJECT:	Approval Re: Direct General Insurance Company Offer of Pro-Rata Distribution for Expenses Related to Repair of a Drainage Structure Damaged During an Automobile Accident at Sarno Road and Osage Avenue - District 4
DEPT/OFFICE:	Public Works Department

**Requested Action:**

It is requested that the Board of County Commissioners approve acceptance of the pro-rated offer of \$615.67 and authorize the Public Works Department Director to execute a Florida Property Damage Release.

**Summary Explanation & Background:**

On June 4, 2014 a Brevard County drainage structure was damaged as a result of a collision involving two vehicles at Sarno Road and Osage Avenue in Melbourne. The drainage structure repair expenses total \$992.24. The Brevard County Public Works Department invoiced the Direct General Insurance Company, which is the insurer for the at-fault driver. Direct General also received a subrogation demand from USAA in the amount of \$15,124.09. Based on the \$10,000 liability coverage limit, a pro-rata distribution to Brevard County is \$615.67.

Brevard County Risk Management recommended acceptance of the pro-rated \$615.67 amount. The Brevard County Attorney Office recommended that the Department present this matter to the Board of County Commissioners to consider authorization for the Public Works Director to sign the Florida Property Damage Release.

**Fiscal Impact:** 2014/2015 Recovery of \$615.67 of expenses related to drainage structure repair

Clerk to the Board instruction: Forward Board action to Department

Exhibits Attached: Direct General Insurance Company November 22, 2014 Letter, Florida Property Damage Release

<b>Contract /Agreement (If attached):</b>		<b>Reviewed by County Attorney</b>	<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>PR</b>	<input type="checkbox"/>
County Manager		Assistant County Manager	Mel Scott			Department Director / Extension		
Stockton Whitten		Assistant County Manager	Venetta Valdengo			John P. Denninghoff / Ext. 57202		



Tammy Etheridge, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972

March 4, 2015

**M E M O R A N D U M**

**TO:** John Denninghoff, Public Works Director

**RE:** Item VI.A.1., Florida Property Damage Release of Direct General Insurance Company Offer of Pro-Rata Distribution for Expenses Related to Repair of a Drainage Structure Damaged During an Automobile Accident at Sarno Road and Osage Avenue

The Board of County Commissioners, in regular session on March 3, 2015, approved acceptance of the pro-rated offer of \$615.67, and authorized you to execute a Florida Property Damage Release.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

/kg

cc: Finance



P.O. Box 30210  
 Tampa, FL 33630  
 Phone: (800) 403-1077 x6124  
 Fax: (813) 663-0244  
 Email: Danielle.Tuttle@directgeneral.com

November 22, 2014



Brevard County Public Works Department  
 Attn: Michelle Long  
 2725 Judge Fran Jamieson Way  
 Building A-201  
 Viera, Florida 32940

Our Claim No: 14-01831813  
 Your Claim No: Sarno Road @ Osage Avenue, Melborne  
 Your Insured: n/a  
 Insured: Misty Black  
 Date of Loss: 06/04/2014

Dear Michelle Long,

As you know, there were two vehicles involved in this loss. The policy provides Property Damage Liability coverage in the amount of \$10,000 per accident. What this means is that the most that can be paid in total to all parties is the single \$10,000 limit. Property Damage Liability applies to damages to vehicles, structures and personal property, such as clothing, cellular phones, etc. We have received subrogation demands which were reviewed as follows:

USAA	\$15,124.09
Brevard County Public Works	\$992.24

The sum of these damages is \$16,116.33. The damage claims of all parties exceeded our insured's policy limits of \$10,000 per accident for property damages. Cognizant of this coverage issue, we are writing to offer the full amount of our insured's property damage liability coverage to be divided among all parties, in exchange for a property damage release in favor our insured.

Although not binding upon you, one of the ways that parties often divide up the property damage limits is by a pro-rata distribution. This means that each party's individual property damage is taken as a percentage of the total property damage and if each party agrees to accept that same percentage of the available Property Damage limits via property damage release, we will remit payment and resolve the claim.

The pro-rata distribution values are indicated below. Please understand that this offer is contingent upon all parties accepting the pro-rated amounts:

USAA	\$9,384.33
Brevard Public Works	\$615.67
<b>TOTAL</b>	<b>\$10,000</b>

Please let me know **in writing** within 15 days of this letter on what you have decided. Please fax your decision to **813-663-0244**. Please include our **claim number of 14-01831813** in your response.

If you have any questions, please feel free to contact me at 800-403-1077 ext. 6124. Thank you, in advance, for your time and cooperation.

Very truly yours,

A handwritten signature in black ink that reads "Danielle Tuttle". The signature is written in a cursive, flowing style.

Danielle Tuttle

Claims Representative

On behalf of Direct General Insurance Company

**FLORIDA PROPERTY DAMAGE RELEASE**

The undersigned, Brevard County Board of County Commissioners, hereinafter, the "Releasor," for and in consideration of the sum of Six Hundred Fifteen Dollars and 67/100 (\$615.67) does, for himself/herself/themselves and his/her/their respective heirs, executors, administrators and assigns, hereby completely and fully release and discharge Misty Lee Black and his/her/their heir(s), representatives, successors, assigns, their officers and directors, parent and/or subsidiaries and affiliated companies, hereinafter the Releasees, of and from any obligation, liability or responsibility for property damages arising out of the occurrence which occurred on or about June 4, 2014 at or near Melbourne, Florida.

It is understood and agreed that this settlement is in full compromise of a disputed claim, and that neither this release nor the payment pursuant to this release shall be construed as an admission of liability.

**RESERVATION OF CLAIM(S)**

The parties recognize and acknowledge that the terms of this release are not designed nor intended to resolve all pending claims against persons or entities not party to this agreement. The terms of this release are limited to resolve and release all pending property damages claims which exist as to Releasees. Any and all claims which have been made, or which may exist, as to any other person, corporation, partnership or other legal entity shall not be compromised or extinguished by the terms of this release.

**SUBROGATION INTERESTS**

The undersigned(s) agree(s) to satisfy or otherwise resolve any lien or subrogated interest in the damaged property that is the subject of this agreement.

**THE UNDERSIGNED HAS READ THE FOREGOING RELEASE AND FULLY UNDERSTANDS IT.**

	3-3-15
Brevard County Board of Commissioners	Date
Robin Fisher, Commissioner	

Printed Name:	Date

**Claim No. 14-01831813**