

LAW OFFICE OF ROBERT T. MCCABE, P.A.
ATTORNEY AND COUNSELOR AT LAW
3010 N. Boulevard
TAMPA, FLORIDA 33603

Robert T. McCabe, Esq.

Phone: (813) 878-0800

Fax: (813) 878-0900

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Tampa Police Benevolent Association
C/O Greg Stout, President
3010 N. Boulevard
Tampa, FL 33603

RE: Take Home Vehicle Insurance Coverage

Dear Members:

Recently, the Tampa Police Benevolent Association became aware of a situation involving an officer who was involved in a traffic crash on his way home from work, outside of the city limits, who was not indemnified by the City of Tampa. The City filed a motion for summary judgment and successfully used the holding in *Garcia v. City of Hollywood* to argue that the City should not be held responsible for the officers' actions in that case. In short, the City successfully argued that the officer was outside the scope of his employment when driving home from work and thus, it should not be held responsible for his alleged negligence.

Since learning of this situation, I have been in contact with City Attorney Chip Fletcher regarding this issue. I sought to determine the City's position on covering officers going to and from work in City owned take home vehicles. Mr. Fletcher and I exchanged letters and phone calls. Mr. Fletcher makes it clear that the City will vigorously defend officers who are involved in traffic accidents acting within the scope of their employment. He also correctly points out that *Garcia* and other Florida cases continue to limit what the scope of employment is.

This said, it appears to me that the decisions made by the courts of late significantly limit the scope of employment and suggest that travelling to and from work may not be included within the scope of employment. While I disagree with these decisions, they are currently the law.

In August of 2007, Kirby Rainesberger sent a legal bulletin which mirrored a Florida PBA legal bulletin recommending that you seek insurance coverage for your take home vehicles. I strongly urge you, if you have not done so already, to contact your insurance agent and discuss coverage for your take home car. I am told that this is known as a "use of non-owned vehicle" rider. We have looked into this coverage with other PBA charters and chapters, and we were told of an agency in Miami who writes these riders. We have also been told that Allstate is familiar with this coverage and can provide it if you are insured by them.

Please contact us if you have any questions. We will continue to update you if we receive any additional information regarding this issue.

Very truly yours,

A handwritten signature in black ink, appearing to be 'Robert T. McCabe', with a long horizontal flourish extending to the right.

Robert T. McCabe