

By Senator Dean

3-00197-10

201038

1 A bill to be entitled
2 An act for the relief of Angela Isham by the City of
3 Ft. Lauderdale; providing for an appropriation to
4 compensate Angela Isham, individually, and as co-
5 personal representative of the Estate of David Isham,
6 deceased, for the death of Mr. Isham which was due to
7 the negligence of employees of the City of Ft.
8 Lauderdale; providing for attorney's fees and costs;
9 providing a limitation on the payment of fees and
10 costs; providing an effective date.

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12 WHEREAS, on November 15, 2001, David Isham, the owner of a
13 landscaping business and a pest control business, was driving
14 along N.W. 13th Street in Ft. Lauderdale, and

15 WHEREAS, in an unmarked police vehicle, police officers
16 from the Ft. Lauderdale Police Department were engaged in an
17 undercover narcotics surveillance and were in pursuit of a
18 suspect who was driving a 1994 BMW, and

19 WHEREAS, while being chased by the police officers, the
20 suspect collided with Mr. Isham's vehicle and caused Mr. Isham's
21 vehicle to flip upside down, catch on fire, and trap Mr. Isham
22 inside, and

23 WHEREAS, as a result of the collision, Mr. Isham died and
24 left behind his grieving widow, Angela Isham, and

25 WHEREAS, Mrs. Isham filed a lawsuit against the City of Ft.
26 Lauderdale, and a week-long jury trial ensued in which the jury
27 found that the police officers, acting in an official capacity
28 as employees of the City of Ft. Lauderdale, were negligent with
29 regard to the vehicle chase that ultimately resulted in the

3-00197-10

201038

30 death of Mr. Isham and that their actions were the legal cause
31 of injury and death to Mr. Isham, and

32 WHEREAS, the jury returned a verdict on February 1, 2008,
33 in favor of Mrs. Isham, and final judgment was entered in the
34 amount of \$1,435,219.25, plus postjudgment interest at the
35 statutory rate of 11 percent per annum, and

36 WHEREAS, the City of Ft. Lauderdale has paid only \$200,000
37 of the judgment and has not negotiated any settlement of the
38 remaining judgment, and

39 WHEREAS, the City of Ft. Lauderdale has approximately
40 \$2,023,594.52 in its Risk Management Fund which is available to
41 pay claims or judgments such as the one presented by Mrs. Isham,
42 but it has not done so to date, and

43 WHEREAS, the balance of the net jury verdict in the amount
44 of \$1,235,219.25 is sought through the submission of a claim
45 bill to the Legislature, NOW, THEREFORE,

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47 Be It Enacted by the Legislature of the State of Florida:

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49 Section 1. The facts stated in the preamble to this act are
50 found and declared to be true.

51 Section 2. The City of Ft. Lauderdale is authorized and
52 directed to appropriate from funds of the city not otherwise
53 appropriated and to draw a warrant in the amount of
54 \$1,235,219.25, plus postjudgment interest at the statutory rate
55 of 11 percent per annum, payable to Angela Isham, individually,
56 and as co-personal representative of the Estate of David Isham,
57 deceased.

58 Section 3. The amount paid by the City of Ft. Lauderdale

3-00197-10

201038__

59 pursuant to s. 768.28, Florida Statutes, and the amount awarded
60 under this act are intended to provide the sole compensation for
61 all present and future claims arising out of the factual
62 situation described in this act which resulted in the death of
63 David Isham. The total amount paid for attorney's fees, lobbying
64 fees, costs, and other similar expenses relating to this claim
65 may not exceed 25 percent of the amount awarded under this act.

66 Section 4. This act shall take effect upon becoming a law.