

By Senator Dean

3-00033-11

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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 a limitation on the payment of  
9       fees and costs; providing an effective date.

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

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

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

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

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

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of injury and death to Mr. Isham, and

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

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

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

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

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

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

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

Section 3. The amount paid by the City of Ft. Lauderdale pursuant to s. 768.28, Florida Statutes, and the amount awarded

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

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