

By Senator Pruitt

28-00113A-09

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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 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

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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 in the amount of \$1,870,438.50, comprised
34 of \$1,270,438.50 in economic damages, as agreed and stipulated
35 to by the City of Ft. Lauderdale, and \$600,000 in noneconomic
36 damages for loss of companionship and protection and for pain
37 and suffering as a result of the death of David Isham, and

38 WHEREAS, an agreed and stipulated judgment was entered
39 against the City of Ft. Lauderdale in the amount of
40 \$1,435,219.25, plus statutory postjudgment interest, which
41 represented a reduction in noneconomic damages and the payment
42 of \$200,000 by the City of Ft. Lauderdale according to the Order
43 on Plaintiff's Motion for Entry of Final Judgment which was
44 entered on June 4, 2008, and

45 WHEREAS, since February 1, 2008, documentable, postverdict
46 attorney's costs in the amount of \$809.64 and attorney's fees in
47 the amount of \$18,900 have accrued in an attempt to reach a
48 settlement with the City of Ft. Lauderdale, and

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

52 WHEREAS, the City of Ft. Lauderdale has approximately
53 \$2,023,594.52 in its Risk Management Fund which is available to
54 pay claims or judgments such as the one presented by Mrs. Isham,
55 but it has not done so to date, and

56 WHEREAS, the balance of the net jury verdict in the amount
57 of \$1,435,219.25 is sought through the submission of a claim
58 bill to the Legislature, NOW, THEREFORE,

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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 \$1,435,219.25, 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, which is inclusive of the prejudgment attorney's fees and costs, as limited in accordance with state law, as compensation for the death of her husband, David Isham.

Section 3. 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 \$19,709.64 as compensation for postverdict attorney's fees and costs.

Section 4. This award is intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in the death of David Isham. The total amount paid for attorney's fees and lobbying fees relating to this claim may not exceed 25 percent of the amount awarded under this act.

Section 5. This act shall take effect upon becoming a law.