

HB 827

2009

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

10  
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

HB 827

2009

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

31 WHEREAS, the jury returned a verdict on February 1, 2008,  
32 in favor of Angela Isham in the amount of \$1,870,438.50,  
33 comprised of \$1,270,438.50 in economic damages, as agreed and  
34 stipulated to by the City of Ft. Lauderdale, and \$600,000 in  
35 noneconomic damages for loss of companionship and protection and  
36 for pain and suffering as a result of the death of David Isham,  
37 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 \$200,000 of  
50 the judgment pursuant to the limits of liability set forth in s.  
51 768.28, Florida Statutes, and has not negotiated any settlement  
52 of the remaining judgment, and

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

HB 827

2009

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

60  
61 Be It Enacted by the Legislature of the State of Florida:

62  
63 Section 1. The facts stated in the preamble to this act  
64 are found and declared to be true.

65 Section 2. The City of Ft. Lauderdale is authorized and  
66 directed to appropriate from funds of the city not otherwise  
67 appropriated and to draw a warrant payable to Angela Isham,  
68 individually and as co-personal representative of the Estate of  
69 David Isham, deceased, in the amount of \$1,435,219.25, plus  
70 postjudgment interest at the statutory rate of 11 percent per  
71 annum, which is inclusive of prejudgment attorney's fees and  
72 costs, as limited in accordance with state law, as compensation  
73 for the death of her husband, David Isham.

74 Section 3. The City of Ft. Lauderdale is authorized and  
75 directed to appropriate from funds of the city not otherwise  
76 appropriated and to draw a warrant in the amount of \$19,709.64  
77 as compensation for postverdict attorney's fees and costs.

78 Section 4. Any amount awarded under this act pursuant to  
79 the waiver of sovereign immunity permitted under s. 768.28,  
80 Florida Statutes, and this award is intended to provide the sole  
81 compensation for all present and future claims arising out of  
82 the factual situation described in the preamble to this act  
83 which resulted in the death of David Isham. The total amount  
84 paid for attorney's fees, lobbying fees, costs, and other

HB 827

2009

85 similar expenses relating to this claim may not exceed 25  
86 percent of the amount awarded under this act.

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