

HB 1119

2010

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.

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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

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

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

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

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

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

45

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

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

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

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