

HB 185

2011

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 a  
8           limitation on the payment of fees and costs; providing an  
9           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 185

2011

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 to date, and

37 WHEREAS, the City of Ft. Lauderdale has sufficient funds in  
 38 its Risk Management Fund available to pay this claim, NOW,  
 39 THEREFORE,

40

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

42

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

45 Section 2. The City of Ft. Lauderdale is authorized and  
 46 directed to appropriate from funds of the city not otherwise  
 47 appropriated and to draw warrants payable to Angela Isham,  
 48 individually, and as co-personal representative of the Estate of  
 49 David Isham, deceased, in the amounts and in the timeframe  
 50 contained in the Partial Satisfaction and Settlement Agreement  
 51 between the City of Ft. Lauderdale and Angela Isham, said amount  
 52 totaling \$600,000 above the amount already paid by the City of  
 53 Ft. Lauderdale pursuant to s. 768.28, Florida Statutes.

54 Section 3. The amount paid by the City of Ft. Lauderdale  
 55 pursuant to s. 768.28, Florida Statutes, and the amount awarded  
 56 under this act are intended to provide the sole compensation for

HB 185

2011

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

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