

ENROLLED
HB 185

2011 Legislature

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.

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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 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:

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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

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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.