(NP) SB 34

 ${\bf By}$  Senator Dean

1A bill to be entitled2An act for the relief of Angela Isham by the City of3Ft. Lauderdale; providing for an appropriation to4compensate Angela Isham, individually, and as co-5personal representative of the Estate of David Isham,6deceased, for the death of Mr. Isham, which was due to7the negligence of employees of the City of Ft.8Lauderdale; providing a limitation on the payment of9fees and costs; providing an effective date.1011WHEREAS, on November 15, 2001, David Isham, the owner of a12landscaping business and a pest control business, was driving13along N.W. 13th Street in Ft. Lauderdale, and14WHEREAS, in an unmarked police vehicle, police officers15from the Ft. Lauderdale Police Department were engaged in an16undercover narcotics surveillance and were in pursuit of a17suspect collided with Mr. Isham's vehicle and caused Mr. Isham's20vehicle to flip upside down, catch on fire, and trap Mr. Isham21inside, and22WHEREAS, Mrs. Isham filed a lawsuit against the City of Ft.23Lauderdale, and a week-long jury trial ensued in which the jury24found that the police officers, acting in an official capacity25as employees of the City of Ft. Lauderdale, were negligent with26found that the police officers, acting in an official capacity27as employees of the City of Ft. Lauderdale, were negligent with28regard to the vehicle chase that ultimately re		3-00033-11 201134
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29 death of Mr. Isham and that their actions were the legal cause	28	
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CODING: Words stricken are deletions; words underlined are additions.

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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:
47	
48	Section 1. The facts stated in the preamble to this act are
49	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.
57	Section 3. The amount paid by the City of Ft. Lauderdale
58	pursuant to s. 768.28, Florida Statutes, and the amount awarded

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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.