

By the Committee on Rules; and Senator Dean

595-03363-11

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1 A bill to be entitled
2 An act for the relief of Angela Isham by the City of
3 Ft. Lauderdale; providing for an appropriation to
4 compensate Angela Isham, individually, and as co-
5 personal representative of the Estate of David Isham,
6 deceased, for the death of Mr. Isham, which was due to
7 the negligence of employees of the City of Ft.
8 Lauderdale; providing a limitation on the payment of
9 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
29 death of Mr. Isham and that their actions were the legal cause

595-03363-11

201134c1

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 sufficient funds in
39 its Risk Management Fund available to pay this claim, NOW,
40 THEREFORE,

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

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

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

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
57 all present and future claims arising out of the factual
58 situation described in this act which resulted in the death of

595-03363-11

201134c1

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.