

## CHAPTER 2011-238

### House Bill No. 185

An act for the relief of Angela Isham by the City of Ft. Lauderdale; providing for an appropriation to compensate Angela Isham, individually, and as co-personal representative of the Estate of David Isham, deceased, for the death of Mr. Isham, which was due to the negligence of employees of the City of Ft. Lauderdale; providing a limitation on the payment of fees and costs; providing an effective date.

WHEREAS, on November 15, 2001, David Isham, the owner of a landscaping business and a pest control business, was driving along N.W. 13th Street in Ft. Lauderdale, and

WHEREAS, in an unmarked police vehicle, police officers from the Ft. Lauderdale Police Department were engaged in an undercover narcotics surveillance and were in pursuit of a suspect who was driving a 1994 BMW, and

WHEREAS, while being chased by the police officers, the suspect collided with Mr. Isham's vehicle and caused Mr. Isham's vehicle to flip upside down, catch on fire, and trap Mr. Isham inside, and

WHEREAS, as a result of the collision, Mr. Isham died and left behind his grieving widow, Angela Isham, and

WHEREAS, Mrs. Isham filed a lawsuit against the City of Ft. Lauderdale, and a week-long jury trial ensued in which the jury found that the police officers, acting in an official capacity as employees of the City of Ft. Lauderdale, were negligent with regard to the vehicle chase that ultimately resulted in the death of Mr. Isham and that their actions were the legal cause of injury and death to Mr. Isham, and

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

WHEREAS, the City of Ft. Lauderdale has paid only \$200,000 of the judgment to date, and

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

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

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

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

Section 3. The amount paid by the City of Ft. Lauderdale pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in the death of David Isham. The total amount paid for attorney's fees, lobbying fees, costs, and other similar expenses relating to this claim may not exceed 25 percent of the amount awarded under this act.

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

Approved by the Governor June 2, 2011.

Filed in Office Secretary of State June 2, 2011.