

HB 1443

2011

1 A bill to be entitled
2 An act for the relief of Maricelly Lopez by the City of
3 North Miami; providing for an appropriation to compensate
4 Maricelly Lopez, individually and as personal
5 representative of the Estate of Omar Mieleles, for the
6 wrongful death of her son, Omar Mieleles, which was due to
7 the negligence of a police officer of the City of North
8 Miami; providing a limitation on the payment of fees and
9 costs; providing an effective date.

10

11 WHEREAS, on November 11, 2007, 18-year-old Omar Mieleles was
12 a passenger in the back seat of a vehicle traveling eastbound on
13 NW 46th Street in North Miami, and

14 WHEREAS, Officer James Ray Thompson, a police officer
15 employed by the City of North Miami Police Department, while in
16 the course and scope of his duties as a police officer,
17 negligently drove a North Miami police vehicle at a high rate of
18 speed and collided with the vehicle in which Omar Mieleles was a
19 passenger at the intersection of NW 46th Street and 7th Avenue,
20 and

21 WHEREAS, Omar Mieleles was thrown from the rear window of the
22 vehicle in which he was traveling, landed 35 feet from the
23 vehicle, and died shortly thereafter from the injuries sustained
24 as a direct result of the incident and Officer Thompson's
25 negligence, and

26 WHEREAS, the mother of Omar Mieleles, Maricelly Lopez, seeks
27 to recover damages, individually, for the loss of support,
28 services, and companionship due to the death of her son, and

29 WHEREAS, Maricelly Lopez has endured mental pain and
 30 suffering since the date of her son's death and will continue to
 31 suffer such losses in the future, and

32 WHEREAS, the Estate of Omar Mieles seeks to recover damages
 33 for medical expenses, funeral expenses, loss of earnings, and
 34 net accumulation of earnings, and

35 WHEREAS, on March 19, 2010, this case was tried before a
 36 jury that returned a verdict for damages against the City of
 37 North Miami and in favor of Maricelly Lopez, as personal
 38 representative of the Estate of Omar Mieles and in her
 39 individual capacity as mother of Omar Mieles, in the amount of
 40 \$3,542,000, and

41 WHEREAS, the jury determined that the City of North Miami
 42 is liable for \$1,719,808 of the damages due to the negligence of
 43 Officer Thompson, of which the city had paid \$108,571, leaving a
 44 balance of \$1,611,237 for which Maricelly Lopez seeks
 45 satisfaction, NOW, THEREFORE,

46
 47 Be It Enacted by the Legislature of the State of Florida:

48
 49 Section 1. The facts stated in the preamble to this act
 50 are found and declared to be true.

51 Section 2. The City of North Miami is authorized and
 52 directed to appropriate from funds of the city not otherwise
 53 appropriated and to draw a warrant in the amount of \$1,611,237,
 54 payable to Maricelly Lopez, individually and as personal
 55 representative of the Estate of Omar Mieles, as compensation for
 56 the death of her son due to the negligence of a police officer

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57 of the City of North Miami.

58 Section 3. The amount paid by the City of North Miami
59 pursuant to s. 768.28, Florida Statutes, and this award are
60 intended to provide the sole compensation for all present and
61 future claims arising out of the factual situation described in
62 this act which resulted in the death of Omar Mieleles. The total
63 amount paid for attorney's fees, lobbying fees, costs, and other
64 similar expenses relating to this claim may not exceed 25
65 percent of the amount awarded under this act.

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