

By Senator Evers

2-00549-11

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1 A bill to be entitled

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

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

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

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

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

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

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

36 WHEREAS, on March 19, 2010, this case was tried before a
37 jury that returned a verdict for damages against the City of
38 North Miami and in favor of Maricelly Lopez, as personal
39 representative of the Estate of Omar Mieles and in her
40 individual capacity as mother of Omar Mieles, in the amount of
41 \$3,542,000, and

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

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

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

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

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

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