

By Senator Flores

38-00192B-12

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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.

11  
12           WHEREAS, on November 11, 2007, 18-year-old Omar Mieles was  
13          a passenger in the backseat 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           WHEREAS, 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 apportioned 50 percent of the  
43 responsibility for the death of Omar Mieles to the City of North  
44 Miami, and the remaining 50 percent to the driver of the vehicle  
45 in which Omar Mieles was traveling as a passenger, and

46 WHEREAS, a final judgment was entered against the City of  
47 North Miami for \$1,719,808.63, against which the city has paid  
48 \$108,571.30, leaving a balance of \$1,611,237.33 for which  
49 Maricelly Lopez seeks satisfaction, NOW, THEREFORE,

50  
51 Be It Enacted by the Legislature of the State of Florida:

52  
53 Section 1. The facts stated in the preamble to this act are  
54 found and declared to be true.

55 Section 2. The City of North Miami is authorized and  
56 directed to appropriate from funds of the city not otherwise  
57 appropriated and to draw a warrant in the amount of  
58 \$1,611,237.33, payable to Maricelly Lopez, individually and as

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59 personal representative of the Estate of Omar Mieles, as  
60 compensation for the death of her son due to the negligence of a  
61 police officer of the City of North Miami.

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

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