

By Senator Flores

37-00127-14

201440__

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 that the
10 appropriation settles all present and future claims
11 related to the wrongful death of Omar Mieles;
12 providing an effective date.

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

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

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

29 WHERAS, the mother of Omar Mieles, Maricelly Lopez, seeks

37-00127-14

201440__

30 to recover damages, individually, for the loss of support,
31 services, and companionship due to the death of her son, and

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

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

38 WHEREAS, on June 23, 2008, Maricelly Lopez, as personal
39 representative of the Estate of Omar Mieles and in her
40 individual capacity as mother of Omar Mieles, filed an action
41 against the City of North Miami in the Miami-Dade County Circuit
42 Court, styled *Maricelly Lopez, Plaintiff, v. City of North*
43 *Miami, Defendants*, Case No. 13-2008-CA-035955-0000-01, to
44 recover damages for the wrongful death of Omar Mieles, and

45 WHEREAS, on March 19, 2010, the case was tried before a
46 jury that returned a verdict for damages against the City of
47 North Miami and in favor of Maricelly Lopez, as personal
48 representative of the Estate of Omar Mieles and in her
49 individual capacity as mother of Omar Mieles, in the amount of
50 \$3,542,000, and

51 WHEREAS, the jury apportioned 50 percent of the
52 responsibility for the death of Omar Mieles to the City of North
53 Miami, and the remaining 50 percent to the driver of the vehicle
54 in which Omar Mieles was traveling as a passenger, and

55 WHEREAS, on April 21, 2010, a final judgment was entered
56 against the City of North Miami for \$1,719,808.63, of which the
57 city has paid \$108,571.30, leaving a balance of \$1,611,237.33,
58 for which Maricelly Lopez seeks satisfaction, NOW, THEREFORE,

37-00127-14

201440__

59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80

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 North Miami is authorized and directed to appropriate from funds of the city not otherwise appropriated and to draw a warrant in the amount of \$1,611,237.33, payable to Maricelly Lopez, individually and as personal representative of the Estate of Omar Mieles, as compensation for the death of her son due to the negligence of a police officer of the City of North Miami.

Section 3. The total amount paid for attorney 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. The amount paid by the City of North Miami pursuant to s. 768.28, Florida Statutes, and this award 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 Omar Mieles.

Section 5. This act shall take effect upon becoming a law.