

ENROLLED

CS/HB 3557

2015 Legislature

1
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 death of Omar Mieles; providing an
12 effective date.

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

17 WHEREAS, at that time and place, Officer James Ray
18 Thompson, a police officer employed by the City of North Miami
19 Police Department, while in the course and scope of his duties
20 as a police officer, negligently drove a police department
21 vehicle at a high rate of speed and collided with the vehicle in
22 which Omar Mieles was a passenger, and

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

ENROLLED

CS/HB 3557

2015 Legislature

27 | injuries he sustained, and

28 | WHEREAS, the mother of Omar Mieles, Maricelly Lopez, has
29 | endured continuous mental pain and suffering since the date of
30 | her son's death and seeks to recover damages, individually, for
31 | loss of support, services, and companionship due to the death of
32 | her son, 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 June 23, 2008, Maricelly Lopez, as personal
37 | representative of the Estate of Omar Mieles and in her
38 | individual capacity as mother of Omar Mieles, filed an action
39 | against the City of North Miami in the Miami-Dade County Circuit
40 | Court, styled *Maricelly Lopez, Plaintiff, v. City of North*
41 | *Miami, Defendants*, Case No. 13-2008-CA-035955-0000-01, to
42 | recover damages for the wrongful death of Omar Mieles as a
43 | result of the negligence of a police officer of the City of
44 | North Miami, 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

ENROLLED

CS/HB 3557

2015 Legislature

53 Miami, and 50 percent to the driver of the vehicle in which Omar
 54 Mieleles 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 pursuant to the statutory limits of
 58 liability set forth in s. 768.28, Florida Statutes, and

59 WHEREAS, on March 24, 2015, the City of North Miami passed
 60 a resolution unanimously authorizing the settlement of the claim
 61 for \$200,000, and supporting the passage of a claim bill in that
 62 amount for Maricelly Lopez, individually and as a personal
 63 representative of Omar Mieleles, and

64 WHEREAS, the City of North Miami and Maricelly Lopez have
 65 agreed to settle the claim for \$200,000, NOW, THEREFORE,

66

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

68

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

71 Section 2. The City of North Miami is authorized and
 72 directed to appropriate from funds of the city not otherwise
 73 appropriated and to draw a warrant in the amount of \$200,000.00,
 74 payable to Maricelly Lopez, individually and as personal
 75 representative of the Estate of Omar Mieleles, as compensation for
 76 the death of her son due to the negligence of a police officer
 77 of the City of North Miami.

78 Section 3. The total amount paid for attorney fees,

ENROLLED

CS/HB 3557

2015 Legislature

79 lobbying fees, costs, and other similar expenses relating to
80 this claim may not exceed 25 percent of the amount awarded under
81 this act.

82 Section 4. The amount paid by the City of North Miami
83 pursuant to s. 768.28, Florida Statutes, and the amount awarded
84 under this act are intended to provide the sole compensation for
85 all present and future claims arising out of the factual
86 situation described in this act which resulted in the death of
87 Omar Mieles.

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