

By Senator Flores

37-00070-15

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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 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  
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

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

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59 WHEREAS, the remainder of the judgment is sought through  
60 the submission of a claim bill to the Legislature, NOW,  
61 THEREFORE,

62  
63 Be It Enacted by the Legislature of the State of Florida:

64  
65 Section 1. The facts stated in the preamble to this act are  
66 found and declared to be true.

67 Section 2. The City of North Miami is authorized and  
68 directed to appropriate from funds of the city not otherwise  
69 appropriated and to draw a warrant in the amount of  
70 \$1,611,237.33, payable to Maricelly Lopez, individually and as  
71 personal representative of the Estate of Omar Mieles, as  
72 compensation for the death of her son due to the negligence of a  
73 police officer of the City of North Miami.

74 Section 3. The total amount paid for attorney fees,  
75 lobbying fees, costs, and other similar expenses relating to  
76 this claim may not exceed 25 percent of the amount awarded under  
77 this act.

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

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