

HB 1417

2013

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 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 WHEREAS, the mother of Omar Mieles, Maricelly Lopez, seeks  
28 to recover damages, individually, for the loss of support,

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29 | services, and companionship due to the death of her son, and  
 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 Mieleles 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 Mieleles and in her  
 40 | individual capacity as mother of Omar Mieleles, 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 Mieleles to the City of North  
 44 | Miami, and the remaining 50 percent to the driver of the vehicle  
 45 | in which Omar Mieleles 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, of 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  
 54 | are 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

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57 appropriated and to draw a warrant in the amount of  
58 \$1,611,237.33, payable to Maricelly Lopez, individually and as  
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 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.