HB 985 2012

A bill to be entitled

An act for the relief of Maricelly Lopez by the City of North Miami; providing for an appropriation to compensate Maricelly Lopez, individually and as personal representative of the Estate of Omar Mieles, for the wrongful death of her son, Omar Mieles, which was due to the negligence of a police officer of the City of North Miami; providing a limitation on the payment of fees and costs; providing an effective date.

2.1

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

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

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

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

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

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

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

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

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

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

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CODING: Words stricken are deletions; words underlined are additions.

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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.

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