

HB 3557

2015

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 Mieleles,
6 for the wrongful death of her son, Omar Mieleles, 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 Mieleles; providing an
12 effective date.

13
14 WHEREAS, on November 11, 2007, 18-year-old Omar Mieleles 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 Mieleles was a passenger, and

23 WHEREAS, as a direct result of the collision caused by
24 Officer Thompson's negligence, Omar Mieleles 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

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

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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

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, 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
 66 are 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 Mieleles, 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

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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.