

PCS for HB 985

ORIGINAL

2012

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

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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 Mieles 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 Mieles and in her
 40 individual capacity as mother of Omar Mieles, 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 Mieles to the City of North
 44 Miami, and the remaining 50 percent to the driver of the vehicle
 45 in which Omar Mieles 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, against 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's fees, lobbying fees, costs, and
68 similar expenses relating to this claim may not exceed 15
69 percent of the first \$1,000,000 awarded under this act and 10
70 percent of the remainder awarded under this act, for a total of
71 \$211,124.

72 Section 4. This act shall take effect upon becoming a law.