

CHAPTER 2015-219

Committee Substitute for House Bill No. 3557

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 that the appropriation settles all present and future claims related to the death of Omar Mieles; providing an effective date.

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

WHEREAS, at that time and place, 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 police department vehicle at a high rate of speed and collided with the vehicle in which Omar Mieles was a passenger, and

WHEREAS, as a direct result of the collision caused by Officer Thompson's negligence, 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 he sustained, and

WHEREAS, the mother of Omar Mieles, Maricelly Lopez, has endured continuous mental pain and suffering since the date of her son's death and seeks to recover damages, individually, for loss of support, services, and companionship due to the death of her son, 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 June 23, 2008, Maricelly Lopez, as personal representative of the Estate of Omar Mieles and in her individual capacity as mother of Omar Mieles, filed an action against the City of North Miami in the Miami-Dade County Circuit Court, styled *Maricelly Lopez, Plaintiff, v. City of North Miami, Defendants*, Case No. 13-2008-CA-035955-0000-01, to recover damages for the wrongful death of Omar Mieles as a result of the negligence of a police officer of the City of North Miami, and

WHEREAS, on March 19, 2010, the 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 50 percent to the driver of the vehicle in which Omar Mieles was traveling as a passenger, and

WHEREAS, on April 21, 2010, a final judgment was entered against the City of North Miami for \$1,719,808.63, of which the city has paid \$108,571.30 pursuant to the statutory limits of liability set forth in s. 768.28, Florida Statutes, and

WHEREAS, on March 24, 2015, the City of North Miami passed a resolution unanimously authorizing the settlement of the claim for \$200,000, and supporting the passage of a claim bill in that amount for Maricelly Lopez, individually and as a personal representative of Omar Mieles, and

WHEREAS, the City of North Miami and Maricelly Lopez have agreed to settle the claim for \$200,000, 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 appropriated and to draw a warrant in the amount of \$200,000.00, 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.

Section 3. 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. The amount paid by the City of North Miami pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act 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.

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

Approved by the Governor June 11, 2015.

Filed in Office Secretary of State June 11, 2015.