

By Senator Dawson

29-21-04

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A bill to be entitled
An act relating to the Palm Beach County School Board; providing for the relief of Ashraf Kamel and Marguerite Dimitri for the wrongful death of their minor child, Jean A. Pierre Kamel, as a result of the negligence of the Palm Beach County School Board; providing for an appropriation; providing for payment of court costs; providing an effective date.

WHEREAS, Jean A. Pierre Kamel, age 13, was killed on January 27, 1997, when he was shot by 14-year-old Tronneal Mangum in front of Conniston Middle School, a Palm Beach County public school, and

WHEREAS, Jean A. Pierre Kamel's surviving father, Ashraf Kamel, brought a wrongful-death action against the Palm Beach County School Board, seeking damages for Marguerite Dimitri, Jean's mother, and himself for their anguish and mental pain and suffering due to the tragic death of their minor son, and

WHEREAS, before the shooting occurred, the Palm Beach County School Board was on notice that Tronneal Mangum and Jean Kamel, both of whom were students at Conniston, had had numerous prior violent confrontations, including Mangum's kicking Jean Kamel in his prosthetic leg, and

WHEREAS, the Palm Beach County School Board was on notice that Jean Kamel and Tronneal Mangum had had a specific conflict because of which the students met with a guidance counselor and told the counselor that Mangum had a watch that belonged to Jean Kamel, and

1 WHEREAS, the Palm Beach County School Board, through
2 its agents or employees, was negligent in directing Tronneal
3 Mangum to personally return the watch to Jean Kamel the next
4 day without the supervision or intervention of the school
5 board, and

6 WHEREAS, the Palm Beach County School Board was on
7 notice that Jean Kamel was fearful of Tronneal Mangum when he
8 told an agent or employee of the school board that "Tronneal
9 is out to get me" just days before he was shot and killed, and

10 WHEREAS, the Palm Beach County School Board was on
11 notice that Tronneal Mangum lived in an area of West Palm
12 Beach that has the highest incidence of crime, violence, and
13 use and availability of firearms, and

14 WHEREAS, on the day of the shooting, Tronneal Mangum
15 traveled to Conniston Middle School on the school bus with a
16 loaded firearm and entered school property carrying the
17 weapon, and

18 WHEREAS, the Palm Beach County School Board was on
19 notice that students had brought firearms to Conniston Middle
20 School on previous occasions, and

21 WHEREAS, on the date of the shooting, the Palm Beach
22 County School Board failed to adequately supervise the
23 students, in that agents or employees were not at their
24 assigned posts, specifically, an armed police officer was not
25 at the officer's post in front of the school where the
26 shooting occurred, and

27 WHEREAS, the Palm Beach County School Board had a duty
28 to take reasonable steps to protect its students, including
29 Jean Kamel, from violence by other students while the students
30 were on school premises for a reasonable time before classes
31 commenced, and

1 WHEREAS, the Palm Beach County School Board was found
2 to be negligent and to have failed to take reasonable steps to
3 protect Jean Kamel, a physically handicapped student, from
4 violence and harm by Tronneal Mangum, and

5 WHEREAS, as a result of the school board's negligence
6 and failure to take reasonable steps to protect Jean Kamel, he
7 was shot to death by Tronneal Mangum on school property within
8 minutes before classes were scheduled to begin, and

9 WHEREAS, on February 8, 2002, a Palm Beach County jury
10 found that the Palm Beach County School Board was negligent
11 and 80-percent liable for the death of Jean Kamel, and that
12 Jean Kamel was 20-percent comparatively negligent for his own
13 death, and

14 WHEREAS, the same jury determined that the damages of
15 Ashraf Kamel and Marguerite Dimitri for their anguish and
16 mental pain and suffering as a result of the negligence of the
17 Palm Beach County School Board was \$2 million, and

18 WHEREAS, on February 22, 2002, the circuit court
19 reduced the jury verdict to final judgment in the sum of
20 \$1,602,400, based on the offset for 20-percent comparative
21 negligence, and

22 WHEREAS, on May 14, 2002, the circuit court entered a
23 cost judgment in favor of Ashraf Kamel in the amount of
24 \$13,490, and

25 WHEREAS, the Palm Beach County School Board appealed
26 the final judgment, and the Fourth District Court of Appeal
27 rejected the appeal in a per curiam affirmed opinion issued on
28 February 12, 2003, and

29 WHEREAS, on February 27, 2003, the Palm Beach County
30 School Board filed a Motion for Rehearing and Certification of
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1 Issues of Great Public Importance, which was denied by the
2 Fourth District Court of Appeal on March 20, 2003, and

3 WHEREAS, on April 17, 2003, the Palm Beach County
4 School Board tendered to Ashraf Kamel, as personal
5 representative of the Estate of Jean A. Pierre Kamel, a
6 payment of \$200,000, in accordance with the statutory limits
7 on the waiver of sovereign immunity, and

8 WHEREAS, the remaining balance of the judgment is
9 \$1,402,400, plus court costs in the amount of \$13,490, and

10 WHEREAS, Ashraf Kamel, as personal representative of
11 the Estate of Jean A. Pierre Kamel, seeks satisfaction of the
12 balance of the judgment, NOW, THEREFORE,

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14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. The facts stated in the preamble to this
17 act are found and declared to be true.

18 Section 2. The Palm Beach County School Board is
19 authorized and directed to appropriate from funds of the
20 school board not otherwise appropriated and to draw a warrant
21 payable to Ashraf Kamel, as personal representative of the
22 Estate of Jean A. Pierre Kamel, for the total amount of
23 \$1,402,400, to compensate Mr. Kamel and Marguerite Dimitri for
24 injuries and damages sustained due to the death of their minor
25 son, Jean A. Pierre Kamel, as a result of the negligence of
26 the school board.

27 Section 3. The Palm Beach County School Board is
28 authorized and directed to appropriate from funds of the
29 school board not otherwise appropriated and to draw a warrant
30 payable to Ashraf Kamel, for the amount of \$13,490, to be paid
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1 as court costs incurred in the legal action arising out of the
2 wrongful death of Ashraf Kamel's minor son.
3 Section 4. This act shall take effect upon becoming a
4 law.
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