

Bill No. SB 44

Barcode 361138

CHAMBER ACTION

Senate

House

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11 The Special Master on Claim Bills recommended the following
12 amendment:

14 **Senate Amendment (with title amendment)**

15 On page 4, line 19, through page 5, line 2, delete
16 those lines

17

18 and insert: authorized and directed to compensate Ashraf
19 Kamel, as personal representative of the estate of Jean A.
20 Pierre Kamel, and Marguerite Dimitri for the death of their
21 son, Jean A. Pierre Kamel, caused in part by the negligence of
22 a school board employee, in the amount of \$400,900, such
23 payment to be made by the school board out of funds not
24 otherwise appropriated. After payment of statutory attorney's
25 fees and costs, 50 percent of the balance shall be paid to
26 Ashraf Kamel and the remaining 50 percent shall be paid to
27 Marguerite Dimitri.

29 (Redesignate subsequent sections.)

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, line 8 through page 4, line 12, delete those
4 lines

5
6 and insert:

7 appropriation; providing an effective date.

8
9 WHEREAS, Jean A. Pierre Kamel, age 13, and Tronneal
10 Mangum, age 14, were students in the seventh grade at
11 Conniston Middle School, a Palm Beach County public school,
12 during the 1996-1997 school year, and

13 WHEREAS, on Thursday, January 23, 1997, Jean and
14 Tronneal had an argument in school during which Tronneal
15 kicked Jean in his prosthetic leg, and as a result, both boys
16 were sent to a guidance counselor, and

17 WHEREAS, Jean and Tronneal told the guidance counselor
18 that the conflict occurred because Tronneal became angry when
19 Jean repeatedly asked Tronneal to return a watch that Jean had
20 lent him, and

21 WHEREAS, the guidance counselor responded by assigning
22 Tronneal to detention and directing Tronneal to return the
23 watch to the school administration office on Monday, January
24 27, 1997, and

25 WHEREAS, on Friday, January 24, 1997, Jean told one of
26 his teachers that Tronneal was after him; the teacher
27 responded by asking Jean if he wanted to talk to an assistant
28 principal; and Jean responded no, and

29 WHEREAS, on Monday, January 27, 1997, Tronneal brought
30 a gun to Conniston Middle School and shot and killed Jean at
31 8:40 a.m. on the sidewalk located in front of the school and

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1 WHEREAS, Ashraf Kamel, Jean's father, brought a
2 wrongful-death action against the Palm Beach County School
3 Board, seeking damages for Marguerite Dimitri, Jean's mother,
4 and for himself for their pain and suffering due to the death
5 of their son, and

6 WHEREAS, the Palm Beach County School Board had a duty
7 to supervise its students during school hours, and

8 WHEREAS, on February 8, 2002, a Palm Beach County jury
9 found that the Palm Beach County School Board, through its
10 agents and employees, negligently discharged its duty to
11 supervise Jean and Tronneal, and

12 WHEREAS, the jury found the Palm Beach County School
13 Board, 80-percent liable for Jean's death, and found Jean
14 20-percent comparatively negligent for his own death, and

15 WHEREAS, the jury assessed damages for Mr. Kamel's and
16 Ms. Dimitri's pain and suffering at \$2,000,000, and

17 WHEREAS, the circuit court entered a final judgment on
18 February 22, 2002, in the sum of \$1,602,400, based on the
19 20-percent comparative negligence offset, and

20 WHEREAS, the Palm Beach County School Board appealed
21 the final judgment and the Fourth District Court of Appeal
22 rejected the appeal in a per curiam affirmed opinion issued on
23 February 12, 2003, and

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

28 WHEREAS, on April 17, 2003, the Palm Beach County
29 School Board paid \$200,000 to Mr. Kamel, as personal
30 representative of the Estate of Jean A. Pierre Kamel, in
31 accordance with the statutory limits on the waiver of

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1 sovereign immunity, and

2 WHEREAS, the remaining balance of the judgment is

3 \$1,402,400, and, NOW, THEREFORE

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