

By Senator Dawson

29-108-05

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

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

23           WHEREAS, on May 14, 2002, the circuit court entered a  
24 cost judgment in favor of Ashraf Kamel in the amount of  
25 \$13,490, and

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

30           WHEREAS, on February 27, 2003, the Palm Beach County  
31 School Board filed a Motion for Rehearing and Certification of

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,

13  
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 encumbered and to draw a warrant  
21 payable to Ashraf Kamel, as personal representative of the  
22 Estate of Jean A. Pierre Kamel, in the amount of \$1,402,400,  
23 to compensate Mr. Kamel and Marguerite Dimitri for injuries  
24 and damages sustained due to the death of their minor son,  
25 Jean A. Pierre Kamel, as a result of the negligence of the  
26 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 encumbered 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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