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2005

1 A bill to be entitled
2 An act for the relief of Ashraf Kamel and Marguerite
3 Dimitri by the Palm Beach County School Board; providing
4 for an appropriation to compensate Ashraf Kamel and
5 Marguerite Dimitri for the wrongful death of their minor
6 child, Jean A. Pierre Kamel, as a result of the negligence
7 of the Palm Beach County School Board; providing for
8 payment of court costs; providing an effective date.

9
10 WHEREAS, Jean A. Pierre Kamel, age 13, was killed on
11 January 27, 1997, when he was shot by 14-year-old Tronneal
12 Mangum in front of Conniston Middle School, a Palm Beach County
13 public school, and

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

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

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

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29 WHEREAS, the Palm Beach County School Board, through its
30 agents or employees, was negligent in directing Tronneal Mangum
31 to personally return the watch to Jean Kamel the next day
32 without the supervision or intervention of the school board, and

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

37 WHEREAS, the Palm Beach County School Board was on notice
38 that Tronneal Mangum lived in an area of West Palm Beach that
39 has the highest incidences of crime, violence, and use and
40 availability of firearms, and

41 WHEREAS, on the day of the shooting, Tronneal Mangum
42 traveled to Conniston Middle School on the school bus with a
43 loaded firearm and entered school property carrying the weapon,
44 and

45 WHEREAS, the Palm Beach County School Board was on notice
46 that students had brought firearms to Conniston Middle School on
47 previous occasions, and

48 WHEREAS, on the date of the shooting, the Palm Beach County
49 School Board failed to adequately supervise the students, in
50 that agents or employees were not at their assigned posts,
51 specifically, an armed police officer was not at the officer's
52 post in front of the school where the shooting occurred, and

53 WHEREAS, the Palm Beach County School Board had a duty to
54 take reasonable steps to protect its students, including Jean
55 Kamel, from violence by other students while the students were
56 on school premises for a reasonable time before classes
57 commenced, and

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

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

66 WHEREAS, on February 8, 2002, a Palm Beach County jury
67 found that the Palm Beach County School Board was negligent and
68 80-percent liable for the death of Jean Kamel, and that Jean
69 Kamel was 20-percent comparatively negligent for his own death,
70 and

71 WHEREAS, the same jury determined that the amount of
72 damages of Ashraf Kamel and Marguerite Dimitri for their anguish
73 and mental pain and suffering as a result of the negligence of
74 the Palm Beach County School Board was \$2 million, and

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

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

80 WHEREAS, the Palm Beach County School Board appealed the
81 final judgment, and the Fourth District Court of Appeal rejected
82 the appeal in a per curiam affirmed opinion issued on February
83 12, 2003, and

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

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86 of Great Public Importance, which was denied by the Fourth
 87 District Court of Appeal on March 20, 2003, and

88 WHEREAS, on April 17, 2003, the Palm Beach County School
 89 Board tendered to Ashraf Kamel, as personal representative of
 90 the Estate of Jean A. Pierre Kamel, a payment of \$200,000, in
 91 accordance with the statutory limits of liability set forth in
 92 s. 768.28, Florida Statutes, and

93 WHEREAS, the remaining balance of the judgment is
 94 \$1,402,400, plus court costs in the amount of \$13,490, and

95 WHEREAS, Ashraf Kamel, as personal representative of the
 96 Estate of Jean A. Pierre Kamel, seeks satisfaction of the
 97 balance of the judgment, NOW, THEREFORE,

98

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

100

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

103 Section 2. The Palm Beach County School Board is
 104 authorized and directed to appropriate from funds of the school
 105 board not otherwise encumbered and to draw a warrant payable to
 106 Ashraf Kamel, as personal representative of the Estate of Jean
 107 A. Pierre Kamel, for the total amount of \$1,402,400, to
 108 compensate Ashraf Kamel and Marguerite Dimitri for injuries and
 109 damages sustained due to the death of Jean A. Pierre Kamel,
 110 minor son of Ashraf Kamel and Marguerite Dimitri, as a result of
 111 the negligence of the school board.

112 Section 3. The Palm Beach County School Board is
 113 authorized and directed to appropriate from funds of the school
 114 board not otherwise encumbered and to draw a warrant payable to

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115 Ashraf Kamel for the amount of \$13,490, to be paid as court
116 costs incurred in the legal action arising out of the wrongful
117 death of Jean A. Pierre Kamel, minor son of Ashraf Kamel and
118 Marguerite Dimitri.

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