

CHAMBER ACTION

1 The Claims Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5
6 A bill to be entitled

7 An act for the relief of Ashraf Kamel and Marguerite
8 Dimitri by the Palm Beach County School Board; providing
9 for an appropriation to compensate Ashraf Kamel and
10 Marguerite Dimitri for the wrongful death of their minor
11 child, Jean A. Pierre Kamel, as a result of the negligence
12 of the Palm Beach County School Board; providing an
13 effective date.

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

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

HB 771

2005
CS

24 WHEREAS, before the shooting occurred, Tronneal Mangum and
25 Jean Kamel, both of whom were students at Conniston, had a prior
26 confrontation, namely Mangum's kicking Jean Kamel in his
27 prosthetic leg, and

28 WHEREAS, Jean Kamel and Tronneal Mangum met with a guidance
29 counselor and told the counselor that Mangum had a watch that
30 belonged to Jean Kamel, and

31 WHEREAS, Jean Kamel told an agent or employee of the school
32 board that "Tronneal is out to get me" just days before he was
33 shot and killed, and

34 WHEREAS, on the day of the shooting, Tronneal Mangum
35 traveled to Conniston Middle School on the school bus with a
36 loaded firearm and entered school property carrying the weapon,
37 and

38 WHEREAS, the Palm Beach County School Board was on notice
39 that students had brought firearms to Conniston Middle School on
40 previous occasions, and

41 WHEREAS, on February 8, 2002, a Palm Beach County jury
42 found that the Palm Beach County School Board was negligent and
43 80-percent liable for the death of Jean Kamel, and that Jean
44 Kamel was 20-percent comparatively negligent for his own death,
45 and

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

HB 771

2005
CS

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

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

55 WHEREAS, the Palm Beach County School Board appealed the
56 final judgment, and the Fourth District Court of Appeal rejected
57 the appeal in a per curiam affirmed opinion issued on February
58 12, 2003, and

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

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

68 WHEREAS, Ashraf Kamel and Marguerite Dimitri and the Palm
69 Beach County School Board agreed to settle the claim for a total
70 of \$560,000, and

71 WHEREAS, Ashraf Kamel, as personal representative of the
72 Estate of Jean A. Pierre Kamel, seeks satisfaction of the
73 \$360,000 balance of the settlement agreement, NOW, THEREFORE,

74

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

76

HB 771

2005
CS

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

79 Section 2. The Palm Beach County School Board is
80 authorized and directed to appropriate from funds of the school
81 board not otherwise encumbered and to draw a warrant payable to
82 Ashraf Kamel, as personal representative of the Estate of Jean
83 A. Pierre Kamel, for the total amount of \$180,000, to compensate
84 Ashraf Kamel for injuries and damages sustained due to the death
85 of Jean A. Pierre Kamel, minor son of Ashraf Kamel and
86 Marguerite Dimitri, as a result of the negligence of the school
87 board.

88 Section 3. The Palm Beach County School Board is
89 authorized and directed to appropriate from funds of the school
90 board not otherwise encumbered and to draw a warrant payable to
91 Marguerite Dimitri for the amount of \$180,000, to compensate
92 Marguerite Dimitri for injuries and damages sustained due to the
93 death of Jean A. Pierre Kamel, minor son of Ashraf Kamel and
94 Marguerite Dimitri, as a result of the negligence of the school
95 board.

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