

HB 1075

2006

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 an
8 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, Tronneal Mangum and
20 Jean Kamel, both of whom were students at Conniston, had a prior
21 confrontation, namely Mangum's kicking Jean Kamel in his
22 prosthetic leg, and

23 WHEREAS, Jean Kamel and Tronneal Mangum met with a guidance
24 counselor and told the counselor that Mangum had a watch that
25 belonged to Jean Kamel, and

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

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29 WHEREAS, on the day of the shooting, Tronneal Mangum
30 traveled to Conniston Middle School on the school bus with a
31 loaded firearm and entered school property carrying the weapon,
32 and

33 WHEREAS, the Palm Beach County School Board was on notice
34 that students had brought firearms to Conniston Middle School on
35 previous occasions, and

36 WHEREAS, on February 8, 2002, a Palm Beach County jury
37 found that the Palm Beach County School Board was negligent and
38 80-percent liable for the death of Jean Kamel, and that Jean
39 Kamel was 20-percent comparatively negligent for his own death,
40 and

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

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

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

50 WHEREAS, the Palm Beach County School Board appealed the
51 final judgment, and the Fourth District Court of Appeal rejected
52 the appeal in a per curiam affirmed opinion issued on February
53 12, 2003, and

54 WHEREAS, on February 27, 2003, the Palm Beach County School
55 Board filed a Motion for Rehearing and Certification of Issues
56 of Great Public Importance, which was denied by the Fourth

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57 District Court of Appeal on March 20, 2003, and

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

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

66 WHEREAS, Ashraf Kamel, as personal representative of the
 67 Estate of Jean A. Pierre Kamel, seeks satisfaction of the
 68 \$360,000 balance of the settlement agreement, NOW, THEREFORE,

69

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

71

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

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

83 Section 3. The Palm Beach County School Board is
 84 authorized and directed to appropriate from funds of the school

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85 board not otherwise encumbered and to draw a warrant payable to
86 Marguerite Dimitri for the amount of \$180,000, to compensate
87 Marguerite Dimitri for injuries and damages sustained due to the
88 death of Jean A. Pierre Kamel, minor son of Ashraf Kamel and
89 Marguerite Dimitri, as a result of the negligence of the school
90 board.

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