

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

HB 1321

2007

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

HB 1321

2007

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

HB 1321

2007

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.