

By Senator Crist

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A bill to be entitled

An act relating to Ashraf Kamel and Marguerite Dimitri by the Palm Beach County School Board; providing for an appropriation to compensate 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 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, Tronneal Mangum and Jean Kamel, both of whom were students at Conniston, had a prior confrontation, namely Mangum's kicking Jean Kamel in his prosthetic leg, and

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

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

1 WHEREAS, on the day of the shooting, Tronneal Mangum
2 traveled to Conniston Middle School on the school bus with a
3 loaded firearm and entered school property carrying the
4 weapon, and

5 WHEREAS, the Palm Beach County School Board was on
6 notice that students had brought firearms to Conniston Middle
7 School on previous occasions, and

8 WHEREAS, on February 8, 2002, a Palm Beach County jury
9 found that the Palm Beach County School Board was negligent
10 and 80-percent liable for the death of Jean Kamel, and that
11 Jean Kamel was 20-percent comparatively negligent for his own
12 death, and

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

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

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

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

29 WHEREAS, on February 27, 2003, the Palm Beach County
30 School Board filed a Motion for Rehearing and Certification of
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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 of liability set forth in s. 768.28, Florida Statutes, and

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

11 WHEREAS, Ashraf Kamel, as personal representative of
12 the Estate of Jean A. Pierre Kamel, seeks satisfaction of the
13 \$360,000 balance of the settlement agreement, NOW, THEREFORE,

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

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

19 Section 2. The Palm Beach County School Board is
20 authorized and directed to appropriate from funds of the
21 school board not otherwise encumbered and to draw a warrant
22 payable to Ashraf Kamel, as personal representative of the
23 Estate of Jean A. Pierre Kamel, for the total amount of
24 \$180,000, to compensate Ashraf Kamel for injuries and damages
25 sustained due to the death of Jean A. Pierre Kamel, minor son
26 of Ashraf Kamel and Marguerite Dimitri, as a result of the
27 negligence of the school board.

28 Section 3. The Palm Beach County School Board is
29 authorized and directed to appropriate from funds of the
30 school board not otherwise encumbered and to draw a warrant
31 payable to Marguerite Dimitri for the amount of \$180,000, to

1 compensate Marquerite Dimitri for injuries and damages
2 sustained due to the death of Jean A. Pierre Kamel, minor son
3 of Ashraf Kamel and Marquerite Dimitri, as a result of the
4 negligence of the school board.

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

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