

By Senator Crist

12-00143-08

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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 a  
8 limitation on the payment of fees and costs; providing an  
9 effective date.

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

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

20 WHEREAS, before the shooting occurred, Tronneal Mangum and  
21 Jean Kamel, both of whom were students at Conniston, had a prior  
22 confrontation, namely Mangum's kicking Jean Kamel in his  
23 prosthetic leg, and

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

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

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

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

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

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

45 WHEREAS, on February 22, 2002, the circuit court reduced the  
46 jury verdict to final judgment in the sum of \$1,602,400, based on  
47 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 of  
56 Great Public Importance, which was denied by the Fourth District  
57 Court of Appeal on March 20, 2003, and

58 WHEREAS, on April 17, 2003, the Palm Beach County School

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59 Board tendered to Ashraf Kamel, as personal representative of the  
60 Estate of Jean A. Pierre Kamel, a payment of \$200,000, in  
61 accordance with the statutory limits of liability set forth in s.  
62 768.28, 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 are  
73 found and declared to be true.

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

82 Section 3. The Palm Beach County School Board is authorized  
83 and directed to appropriate from funds of the school board not  
84 otherwise encumbered and to draw a warrant payable to Marguerite  
85 Dimitri for the amount of \$180,000, to compensate Marguerite  
86 Dimitri for injuries and damages sustained due to the death of  
87 Jean A. Pierre Kamel, minor son of Ashraf Kamel and Marguerite

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88 Dimitri, as a result of the negligence of the school board.

89 Section 4. The amounts awarded in this act are intended to  
90 provide the sole compensation for all present and future claims  
91 arising out of the factual situation described in this act which  
92 resulted in the death of Jean A. Pierre Kamel. The total amount  
93 paid for attorney's fees, lobbying fees, costs, and other similar  
94 expenses relating to this claim may not exceed 25 percent of the  
95 total amounts awarded under this act.

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