

HB 767

2008

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 attorney's fees, lobbying fees, costs, and  
9 other similar expenses relating to the claim; providing an  
10 effective date.

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

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

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

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

28 WHEREAS, Jean Kamel told an agent or employee of the school

HB 767

2008

29 board that "Tronneal is out to get me" just days before he was  
30 shot and killed, and

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

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

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

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

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

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

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

56 WHEREAS, on February 27, 2003, the Palm Beach County School

HB 767

2008

57 Board filed a Motion for Rehearing and Certification of Issues  
 58 of Great Public Importance, which was denied by the Fourth  
 59 District Court of Appeal on March 20, 2003, and

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

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

68 WHEREAS, Ashraf Kamel, as personal representative of the  
 69 Estate of Jean A. Pierre Kamel, seeks satisfaction of the  
 70 \$360,000 balance of the settlement agreement, NOW, THEREFORE,

71

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

73

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

76 Section 2. (1) The Palm Beach County School Board is  
 77 authorized and directed to appropriate from funds of the school  
 78 board not otherwise encumbered and to draw a warrant payable to  
 79 Ashraf Kamel, as personal representative of the Estate of Jean  
 80 A. Pierre Kamel, for the total amount of \$180,000, to compensate  
 81 Ashraf Kamel for injuries and damages sustained due to the death  
 82 of Jean A. Pierre Kamel, minor son of Ashraf Kamel and  
 83 Marguerite Dimitri, as a result of the negligence of the school  
 84 board.

HB 767

2008

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

92  
93 Any amount paid by the Palm Beach County School Board pursuant  
94 to the waiver of sovereign immunity permitted under s. 768.28,  
95 Florida Statutes, and this award are intended to provide the  
96 sole compensation for all present and future claims arising out  
97 of the factual situation described in the preamble to this act  
98 which resulted in the death of Jean A. Pierre Kamel. The total  
99 amount paid for attorney's fees, lobbying fees, costs, and other  
100 similar expenses relating to this claim may not exceed 25  
101 percent of the total amount awarded under subsections (1) and  
102 (2).

103           Section 3. This act shall take effect upon becoming a law.