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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
12 January 27, 1997, when he was shot by 14-year-old Tronneal
13 Mangum in front of Conniston Middle School, a Palm Beach County
14 public 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 bullying and tragic death of their minor
20 son, who was physically disabled, while he was in the care and
21 custody of the Palm Beach County School Board, and

22 WHEREAS, before the shooting occurred, Tronneal Mangum and
23 Jean Kamel, both of whom were students at Conniston, had at
24 least one prior confrontation that was known by school
25 officials, namely Mangum's kicking Jean Kamel in his prosthetic
26 leg, and

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

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29 belonged to Jean Kamel, and

30 WHEREAS, Jean Kamel warned an employee of the school board
31 that "Tronneal is out to get me" just days before he was shot
32 and killed, and

33 WHEREAS, the school board failed to take any corrective
34 action despite being on notice of the bullying of Jean Kamel by
35 Tronneal Mangum and of the threats, and

36 WHEREAS, on the day of the shooting, Tronneal Mangum
37 traveled to Conniston Middle School on the school bus with a
38 loaded firearm and entered school property carrying the weapon,
39 and

40 WHEREAS, the Palm Beach County School Board was on notice
41 that students had brought firearms to Conniston Middle School on
42 previous occasions and did nothing to stop it, and

43 WHEREAS, on February 8, 2002, a Palm Beach County jury
44 found that the Palm Beach County School Board was negligent and
45 80 percent liable for the death of Jean Kamel, and that Jean
46 Kamel was 20 percent comparatively negligent for his own death,
47 and

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

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

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

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57 WHEREAS, the Palm Beach County School Board appealed the
 58 final judgment, and the Fourth District Court of Appeal rejected
 59 the appeal in a per curiam affirmed opinion issued on February
 60 12, 2003, and

61 WHEREAS, on February 27, 2003, the Palm Beach County School
 62 Board filed a Motion for Rehearing and Certification of Issues
 63 of Great Public Importance, which was denied by the Fourth
 64 District Court of Appeal on March 20, 2003, and

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

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

73 WHEREAS, Ashraf Kamel, as personal representative of the
 74 Estate of Jean A. Pierre Kamel, seeks satisfaction of the
 75 \$360,000 balance of the settlement agreement, NOW, THEREFORE,

76

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

78

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

81 Section 2. The Palm Beach County School Board is
 82 authorized and directed to appropriate from funds of the school
 83 board not otherwise encumbered and to draw a warrant payable to
 84 Ashraf Kamel, as personal representative of the Estate of Jean

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85 A. Pierre Kamel, for the total amount of \$180,000, to compensate
86 Ashraf Kamel for injuries and damages sustained due to the death
87 of Jean A. Pierre Kamel, minor son of Ashraf Kamel and
88 Marguerite Dimitri, as a result of the negligence of the school
89 board.

90 Section 3. The Palm Beach County School Board is
91 authorized and directed to appropriate from funds of the school
92 board not otherwise encumbered and to draw a warrant payable to
93 Marguerite Dimitri for the amount of \$180,000, to compensate
94 Marguerite Dimitri for injuries and damages sustained due to the
95 death of Jean A. Pierre Kamel, minor son of Ashraf Kamel and
96 Marguerite Dimitri, as a result of the negligence of the school
97 board.

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

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