

By Senator Ring

32-00041-11

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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;
4 providing for an appropriation to compensate Ashraf
5 Kamel and Marguerite Dimitri for the wrongful death of
6 their minor child, Jean A. Pierre Kamel, as a result
7 of the negligence of the Palm Beach County School
8 Board; providing a limitation on the payment of fees
9 and costs; providing an 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 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

32-00041-11

201124

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
38 found that the Palm Beach County School Board was negligent and
39 80 percent liable for the death of Jean Kamel, and that Jean
40 Kamel was 20 percent comparatively negligent for his own death,
41 and

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

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

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

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

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

32-00041-11

201124

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

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

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

70
71 Be It Enacted by the Legislature of the State of Florida:

72
73 Section 1. The facts stated in the preamble to this act are
74 found and declared to be true.

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

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

32-00041-11

201124

88 Jean A. Pierre Kamel, minor son of Ashraf Kamel and Marguerite
89 Dimitri, as a result of the negligence of the school board.

90 Section 4. The amount paid by the Palm Beach County School
91 Board pursuant to s. 768.28, Florida Statutes, and the amounts
92 awarded under this act are intended to provide the sole
93 compensation for all present and future claims arising out of
94 the factual situation described in this act which resulted in
95 the death of Jean A. Pierre Kamel. The total amount paid for
96 attorney's fees, lobbying fees, costs, and other similar
97 expenses relating to this claim may not exceed 25 percent of the
98 total amounts awarded under this act.

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