

By Senator Sachs

30-00197-12

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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

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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  
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

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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:

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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

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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.