

By Senator Gibson

6-00257-18

201848__

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
9 attorney fees; providing an effective date.

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

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

22 WHEREAS, Jean Kamel was born with a birth defect that
23 required his right leg to be amputated, and

24 WHEREAS, Jean Kamel wore a prosthetic leg and suffered
25 various physical disabilities as a result, and

26 WHEREAS, Jean Kamel attended Conniston Middle School in
27 West Palm Beach in January of 1997, and

28 WHEREAS, Tronneal Mangum also attended Conniston Middle
29 School in January of 1997, and

6-00257-18

201848__

30 WHEREAS, before the shooting occurred, Jean Kamel had told
31 school officials that Tronneal Mangum was bullying him,
32 including taunting him, kicking his prosthetic leg, and
33 threatening him, and

34 WHEREAS, various school officials had witnessed some of
35 these events, namely Tronneal Mangum's kicking Jean Kamel in his
36 prosthetic leg, and

37 WHEREAS, Jean Kamel and Tronneal Mangum had one class
38 together, and Jean Kamel repeatedly asked school officials to be
39 moved to another class because he was afraid of Tronneal Mangum
40 and that Tronneal Mangum was constantly making fun of him in
41 front of other students, and

42 WHEREAS, days before the shooting, Jean Kamel reported that
43 his watch had been taken from him by Tronneal Mangum, and

44 WHEREAS, Jean Kamel and Tronneal Mangum were brought to a
45 guidance counselor and Jean Kamel told the counselor that
46 Tronneal Mangum had taken his watch from him. The counselor
47 instructed Tronneal Mangum to return the watch at the school
48 with no supervision and did not contact Tronneal Mangum's
49 parents or guardian, and

50 WHEREAS, when Tronneal Mangum did not show up for school
51 the next day, Jean Kamel told a school official that "Tronneal
52 is out to get me," and

53 WHEREAS, the school took no action under the circumstances,
54 including contacting Tronneal Mangum's family or guardian, nor
55 did the school contact Jean Kamel's parents and advise them of
56 the situation, and

57 WHEREAS, on the next school day, January 27, 1997, Tronneal
58 Mangum traveled to Conniston Middle School on the school bus

6-00257-18

201848__

59 with a loaded firearm and entered school property carrying the
60 weapon, and

61 WHEREAS, the Palm Beach County School Board was on notice
62 that students had brought firearms to Conniston Middle School on
63 previous occasions, but the board did not enact any security
64 measures to prevent such acts, and

65 WHEREAS, on January 27, 1997, the school failed to have
66 personnel assigned to posts to adequately supervise the safety
67 of the children as they entered the school, and

68 WHEREAS, on January 27, 1997, the school district police
69 officer whose post was on the sidewalk directly in front of the
70 school where the shooting occurred was not at his post that
71 morning, and

72 WHEREAS, because of the multiple acts of negligence,
73 carelessness, and a lack of concern for the risks of harm that
74 confronted Jean Kamel by the Conniston Middle School staff, on
75 January 27, 1997, Jean Kamel was brutally shot to death by
76 Tronneal Mangum in the front of the school, and

77 WHEREAS, on February 8, 2002, a Palm Beach County jury
78 found that the Palm Beach County School Board was negligent and
79 80 percent liable for the death of Jean Kamel, and

80 WHEREAS, the jury determined that the amount of damages
81 Ashraf Kamel and Marguerite Dimitri, the parents of Jean Kamel,
82 received was \$2 million to compensate them for their grief,
83 anguish, and mental pain and suffering as a result of the
84 negligence of the school and the Palm Beach County School Board,
85 and

86 WHEREAS, on February 22, 2002, the Circuit Court for the
87 15th Judicial Circuit in and for Palm Beach County reduced the

6-00257-18

201848__

88 jury verdict to a final judgment of \$1,602,400, based on the
89 offset for 20 percent comparative negligence, and

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

92 WHEREAS, the Palm Beach County School Board appealed the
93 final judgment, and the Fourth District Court of Appeal rejected
94 the appeal in a per curiam affirmed opinion issued on February
95 12, 2003, and

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

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

105 WHEREAS, Ashraf Kamel and Marguerite Dimitri and the Palm
106 Beach County School Board agreed to settle the parents' claim
107 for an additional \$360,000, and

108 WHEREAS, Ashraf Kamel, as personal representative of the
109 Estate of Jean A. Pierre Kamel, seeks satisfaction of the
110 \$360,000 balance of the settlement agreement, NOW, THEREFORE,

111

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

113

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

116 Section 2. The Palm Beach County School Board is authorized

6-00257-18

201848__

117 and directed to appropriate from funds of the school board not
118 otherwise encumbered the total amount of \$360,000, and to draw
119 warrants payable to Ashraf Kamel in the sum of \$180,000 and to
120 Marguerite Dimitri in the sum of \$180,000 to compensate them for
121 their injuries and damages sustained due to the death of their
122 son, Jean A. Pierre Kamel, as a result of the negligence of the
123 school board.

124 Section 3. The amount paid by the Palm Beach County School
125 Board pursuant to s. 768.28, Florida Statutes, and the amounts
126 awarded under this act are intended to provide the sole
127 compensation for all present and future claims arising out of
128 the factual situation described in this act which resulted in
129 the death of Jean A. Pierre Kamel. The total amount paid for
130 attorney fees relating to this claim may not exceed 25 percent
131 of the amount awarded under this act.

132 Section 4. This act shall take effect upon becoming a law.