

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Civil Justice & Claims
2 Subcommittee

3 Representative Raburn offered the following:

4

5 **Amendment**

6 Remove lines 11-131 and insert:

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

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

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17 custody of the Palm Beach County School Board, and

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

20 WHEREAS, Jean Kamel wore a prosthetic leg and suffered
21 various physical disabilities as a result, and

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

24 WHEREAS, Tronneal Mangum also attended Conniston Middle
25 School in January of 1997, and

26 WHEREAS, before the shooting occurred, Jean Kamel had told
27 school officials that Tronneal Mangum was bullying him,
28 including taunting him, kicking his prosthetic leg, and
29 threatening him, and

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

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

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

40 WHEREAS, Jean Kamel and Tronneal Mangum were brought to a
41 guidance counselor, Jean Kamel told the counselor that Tronneal

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42 Mangum had taken his watch from him, and the counselor
43 instructed Tronneal Mangum to return the watch at the school
44 with no supervision and did not contact Tronneal Mangum's
45 parents or guardian, and

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

49 WHEREAS, the school took no action under the circumstances,
50 including contacting Tronneal Mangum's family or guardian, nor
51 did the school contact Jean Kamel's parents and advise them of
52 the situation, and

53 WHEREAS, on the next school day, January 27, 1997, Tronneal
54 Mangum traveled to Conniston Middle School on the school bus
55 with a loaded firearm and entered school property carrying the
56 weapon, and

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

61 WHEREAS, on January 27, 1997, the school failed to have
62 personnel assigned to posts to adequately supervise the safety
63 of the children as they entered the school, and

64 WHEREAS, on January 27, 1997, the school district police
65 officer whose post was on the sidewalk directly in front of the
66 school where the shooting occurred was not at his post that

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67 morning, and

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

73 WHEREAS, on February 8, 2002, a Palm Beach County jury
74 found that the Palm Beach County School Board was negligent and
75 80 percent liable for the death of Jean Kamel, and

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

82 WHEREAS, on February 22, 2002, the Circuit Court for the
83 15th Judicial Circuit in and for Palm Beach County reduced the
84 jury verdict to a final judgment of \$1,602,400, based on the
85 offset for 20 percent comparative negligence, and

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

88 WHEREAS, the Palm Beach County School Board appealed the
89 final judgment, and the Fourth District Court of Appeal rejected
90 the appeal in a per curiam affirmed opinion issued on February
91 12, 2003, and

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

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

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

104 WHEREAS, Ashraf Kamel, as personal representative of the
105 Estate of Jean A. Pierre Kamel, seeks satisfaction of the
106 \$360,000 balance of the settlement agreement, NOW, THEREFORE,

107
108 Be It Enacted by the Legislature of the State of Florida:

109
110 Section 1. The facts stated in the preamble to this act
111 are found and declared to be true.

112 Section 2. The Palm Beach County School Board is
113 authorized and directed to appropriate from funds of the school
114 board not otherwise encumbered the total amount of \$360,000, and
115 to draw warrants payable to Ashraf Kamel in the sum of \$180,000
116 and to Marguerite Dimitri in the sum of \$180,000 to compensate

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117 them for their injuries and damages sustained due to the death
118 of their son, Jean A. Pierre Kamel, as a result of the
119 negligence of the school board.

120 Section 3. The amount paid by the Palm Beach County School
121 Board pursuant to s. 768.28, Florida Statutes, and the amounts
122 awarded under this act are intended to provide the sole
123 compensation for all present and future claims arising out of
124 the factual situation described in this act which resulted in
125 the death of Jean A. Pierre Kamel. Of the amount awarded under
126 this act, the total amount paid for attorney fees may not exceed
127 \$68,400.00, the total amount paid for lobbying fees may not
128 exceed \$21,600.00, and the total amount paid for costs and other
129 similar expenses relating to this claim may not exceed
130 \$1,935.66.