

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

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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

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, Jean Kamel told the counselor that Tronneal  
46 Mangum had taken his watch from him, and 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

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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  
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

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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  
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  
 115 are found and declared to be true.

116 Section 2. The Palm Beach County School Board is  
 117 authorized and directed to appropriate from funds of the school  
 118 board not otherwise encumbered the total amount of \$360,000, and  
 119 to draw warrants payable to Ashraf Kamel in the sum of \$180,000  
 120 and to Marguerite Dimitri in the sum of \$180,000 to compensate  
 121 them for their injuries and damages sustained due to the death  
 122 of their son, Jean A. Pierre Kamel, as a result of the  
 123 negligence of the 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

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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.