

By Senator Torres

15-00221-20

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1 A bill to be entitled
2 An act for the relief of Kareem Hawari by the Osceola
3 County School Board; providing an appropriation to
4 Kareem Hawari to compensate him for injuries and
5 damages sustained as a result of the negligence of
6 employees of the Osceola County School Board;
7 providing a limitation on the payment of attorney
8 fees; providing an effective date.

9
10 WHEREAS, on March 5, 2010, at approximately 6 p.m., then
11 13-year-old Kareem Hawari was participating in a wrestling match
12 sponsored by Harmony Community School in the School District of
13 Osceola County, and

14 WHEREAS, the wrestling match was supervised by coaches
15 employed by the Osceola County School Board, each of whom had a
16 duty to adequately supervise student athletes participating in
17 school-sponsored athletic events by receiving proper training,
18 by providing adequate instruction to student athletes,
19 reasonably selecting or matching student athletes to others in
20 their same weight class for purposes of competition, and
21 monitoring athletic training and events, and

22 WHEREAS, Kareem Hawari's coach did not receive any formal
23 training and failed to provide Kareem Hawari with adequate
24 instruction before the match, and

25 WHEREAS, Kareem Hawari was matched with a student athlete
26 who was larger, stronger, and more experienced, and who finished
27 the 2010 and 2011 seasons as a county champion wrestler, and

28 WHEREAS, due to the negligent supervision of the coaches,
29 Kareem Hawari hit his head on the ground during the match and

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30 suffered a brainstem hemorrhage, which resulted in a traumatic
31 brain injury that affects his motor coordination and ability to
32 speak, and

33 WHEREAS, Kareem Hawari was hospitalized at Osceola Regional
34 Medical Center in Kissimmee on March 5, 2010, and was then
35 transported by helicopter to Arnold Palmer Hospital for Children
36 in Orlando, where he was admitted from March 6 to May 4, 2010,
37 and

38 WHEREAS, Kareem Hawari underwent surgery on March 8, 2010,
39 to relieve pressure on his brain and had an additional surgery
40 on March 24, 2010, and

41 WHEREAS, Kareem Hawari was thereafter transferred to Brooks
42 Rehabilitation in Jacksonville, where he was a patient from May
43 4 to June 30, 2010, and

44 WHEREAS, Kareem Hawari received physical therapy at Florida
45 Hospital Sports Medicine and Rehabilitation in Altamonte Springs
46 on an outpatient basis from July 12 to October 1, 2014, and

47 WHEREAS, Kareem Hawari seeks to recover damages for his
48 injuries, which include a permanent injury to his body as a
49 whole, past and future pain and suffering of both physical and
50 mental natures, disability, physical impairment, disfigurement,
51 mental anguish, inconvenience, loss of capacity for the
52 enjoyment of life, expense of hospitalization, medical and
53 nursing care and treatment, loss of ability to earn money, and
54 loss of ability to lead and enjoy a normal life, and

55 WHEREAS, Kareem Hawari incurred medical expenses in the
56 amount of \$708,309.92 and is permanently and totally disabled
57 and unable to engage in any employment, and

58 WHEREAS, Kareem Hawari lived a full and vigorous life

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59 before his injury on March 5, 2010, had a zest for life, and was
60 active in recreational, social, and sporting activities, and

61 WHEREAS, Kareem Hawari requires continuous assistance with
62 activities of daily living and ongoing treatment for his
63 injuries, and

64 WHEREAS, Kareem Hawari filed a lawsuit against the Osceola
65 County School Board and the Foundation for Osceola Education in
66 the Osceola County Circuit Court, alleging that the coaches in
67 their employ had negligently supervised the wrestling match,
68 causing his injuries, and

69 WHEREAS, after extensive discovery and pretrial
70 preparation, the parties settled the case in the amount of \$3.6
71 million, of which \$100,000 has been paid in accordance with the
72 statutory limits of liability in s. 768.28, Florida Statutes
73 2010, NOW, THEREFORE,

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

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

79 Section 2. The Osceola County School Board is authorized
80 and directed to appropriate from funds of the school board not
81 otherwise encumbered and to draw a warrant in the sum of \$3.5
82 million payable to Kareem Hawari as compensation for injuries
83 and damages sustained.

84 Section 3. The amount paid by the Osceola County School
85 Board and the amount awarded under this act are intended to
86 provide the sole compensation for all present and future claims
87 arising out of the factual situation described in this act which

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88 resulted in injuries and damages to Kareem Hawari. The total
89 amount paid for attorney fees relating to this claim may not
90 exceed 25 percent of the total amount awarded under this act.

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