

By Senator Torres

15-00112-21

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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 Mr.  
4           Hawari to compensate him for injuries and damages  
5           sustained as a result of the negligence of employees  
6           of the Osceola County School Board; providing a  
7           limitation on the payment of attorney fees; providing  
8           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           providing adequate instruction to student athletes, reasonably  
19           selecting or matching student athletes to others in their same  
20           weight class for purposes of competition, and monitoring  
21           athletic training and events, and

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

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

28           WHEREAS, due to the negligent supervision of the coaches,  
29           Mr. 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, Mr. 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, Mr. Hawari underwent surgery on March 8, 2010, to  
39 relieve pressure on his brain and had an additional surgery on  
40 March 24, 2010, and

41 WHEREAS, Mr. 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, Mr. 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, Mr. 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, expense of hospitalization,  
52 medical and nursing care and treatment, loss of ability to earn  
53 money, and loss of ability to lead and enjoy a normal life, and

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

57 WHEREAS, Mr. Hawari lived a full and vigorous life before  
58 his injury on March 5, 2010, had a zest for life, and was active

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59 in recreational, social, and sporting activities, and

60 WHEREAS, Mr. Hawari requires continuous assistance with  
61 activities of daily living and ongoing treatment for his  
62 injuries, and

63 WHEREAS, Mr. Hawari filed a lawsuit against the Osceola  
64 County School Board in the Circuit Court of the Ninth Judicial  
65 Circuit, in and for Osceola County, alleging that the coaches in  
66 their employ had negligently supervised the wrestling match,  
67 causing his injuries, and

68 WHEREAS, after extensive discovery and pretrial  
69 preparation, the parties reached a settlement agreement in the  
70 amount of \$3.6 million, of which \$100,000 has been paid pursuant  
71 to the limits of liability in s. 768.28, Florida Statutes 2010,  
72 and the remainder is conditioned upon the passage of a claim  
73 bill, 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 pursuant to s. 768.28, Florida Statutes, and the amount  
86 awarded under this act are intended to provide the sole  
87 compensation for all present and future claims arising out of

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

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