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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 compensation and the payment of attorney
8 fees; providing an effective date.
9

10 WHEREAS, on March 5, 2010, at approximately 6 p.m., 13-
11 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

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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
30 | suffered a brainstem hemorrhage that 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 a physical and
50 | mental nature, disability, physical impairment, disfigurement,

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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
 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 former s. 768.28, Florida Statutes
 72 | (2010), and the remainder is conditioned upon the passage of a
 73 | claim bill, NOW, THEREFORE,

74 |

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

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76
77 Section 1. The facts stated in the preamble to this act
78 are 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 former s. 768.28, Florida Statutes (2010), and
86 the amount awarded under this act are intended to provide the
87 sole compensation for all present and future claims arising out
88 of 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.