

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  
7           limitations on the total amounts paid for certain  
8           fees, costs, and expenses; providing an effective  
9           date.

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

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

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

CS/HB 6513

2022

26 WHEREAS, Mr. Hawari was matched with a student athlete who  
27 was larger, stronger, and more experienced and who finished the  
28 2010 and 2011 seasons as a county champion wrestler, and

29 WHEREAS, due to the negligent supervision of the coaches,  
30 Mr. Hawari hit his head on the ground during the match and  
31 suffered a brainstem hemorrhage that resulted in a traumatic  
32 brain injury that affects his motor coordination and ability to  
33 speak, and

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

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

42 WHEREAS, Mr. Hawari was thereafter transferred to Brooks  
43 Rehabilitation in Jacksonville, where he was a patient from May  
44 4 to June 30, 2010, and

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

48 WHEREAS, Mr. Hawari seeks to recover damages for his  
49 injuries, which include a permanent injury to his body as a  
50 whole, past and future pain and suffering of both a physical and

CS/HB 6513

2022

51 | mental nature, disability, physical impairment, disfigurement,  
52 | mental anguish, inconvenience, expense of hospitalization,  
53 | medical and nursing care and treatment, loss of ability to earn  
54 | money, and loss of ability to lead and enjoy a normal life, and

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

58 |       WHEREAS, Mr. Hawari lived a full and vigorous life before  
59 | his injury on March 5, 2010, had a zest for life, and was active  
60 | in recreational, social, and sporting activities, and

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

64 |       WHEREAS, Mr. Hawari filed a lawsuit against the Osceola  
65 | County School Board in the Circuit Court of the Ninth Judicial  
66 | Circuit, in and for Osceola County, 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 reached a settlement agreement in the  
71 | amount of \$3.6 million, of which \$100,000 has been paid pursuant  
72 | to the limits of liability in former s. 768.28, Florida Statutes  
73 | (2010), and the remainder is conditioned upon the passage of a  
74 | claim bill, NOW, THEREFORE,

75

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

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

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

85 Section 3. The amount paid by the Osceola County School  
86 Board pursuant to former s. 768.28, Florida Statutes (2010), and  
87 the amount awarded under this act are intended to provide the  
88 sole compensation for all present and future claims arising out  
89 of the factual situation described in this act which resulted in  
90 injuries and damages to Kareem Hawari. Of the amount awarded  
91 under this act, the total amount paid for attorney fees may not  
92 exceed \$700,000, the total amount paid for lobbying fees may not  
93 exceed \$175,000, and the total amount paid for costs or other  
94 similar expenses may not exceed \$9,898.97.

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