

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

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

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 and
 92 lobbying fees may not exceed \$875,000 and the total amount paid
 93 for costs or other similar expenses may not exceed \$9,961.51.

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