

CHAPTER 2018-191

Committee Substitute for House Bill No. 6523

An act for the relief of Ashraf Kamel and Marguerite Dimitri by the Palm Beach County School Board; providing for an appropriation to compensate Ashraf Kamel and Marguerite Dimitri for the wrongful death of their minor child, Jean A. Pierre Kamel, as a result of the negligence of the Palm Beach County School Board; providing a limitation on the payment of fees and costs; providing an effective date.

WHEREAS, Jean A. Pierre Kamel, age 14, was wrongfully killed on January 27, 1997, when he was shot by 14-year-old Tronneal Mangum in front of Conniston Middle School, a Palm Beach County public school, and

WHEREAS, Jean A. Pierre Kamel's father, Ashraf Kamel, brought a wrongful-death action against the Palm Beach County School Board seeking damages for Jean Kamel's mother, Marguerite Dimitri, and himself for their grief, anguish, and mental pain and suffering due to the repeated bullying and tragic death of their minor son, Jean Kamel, while he was in the care and custody of the Palm Beach County School Board, and

WHEREAS, Jean Kamel was born with a birth defect that required his right leg to be amputated, and

WHEREAS, Jean Kamel wore a prosthetic leg and suffered various physical disabilities as a result, and

WHEREAS, Jean Kamel attended Conniston Middle School in West Palm Beach in January of 1997, and

WHEREAS, Tronneal Mangum also attended Conniston Middle School in January of 1997, and

WHEREAS, before the shooting occurred, Jean Kamel had told school officials that Tronneal Mangum was bullying him, including taunting him, kicking his prosthetic leg, and threatening him, and

WHEREAS, various school officials had witnessed some of these events, namely Tronneal Mangum's kicking Jean Kamel in his prosthetic leg, and

WHEREAS, Jean Kamel and Tronneal Mangum had one class together, and Jean Kamel repeatedly asked school officials to be moved to another class because he was afraid of Tronneal Mangum and that Tronneal Mangum was constantly making fun of him in front of other students, and

WHEREAS, days before the shooting, Jean Kamel reported that his watch had been taken from him by Tronneal Mangum, and

WHEREAS, Jean Kamel and Tronneal Mangum were brought to a guidance counselor, Jean Kamel told the counselor that Tronneal Mangum had taken his watch from him, and the counselor instructed Tronneal Mangum to return the watch at the school with no supervision and did not contact Tronneal Mangum's parents or guardian, and

WHEREAS, when Tronneal Mangum did not show up for school the next day, Jean Kamel told a school official that "Tronneal is out to get me," and

WHEREAS, the school took no action under the circumstances, including contacting Tronneal Mangum's family or guardian, nor did the school contact Jean Kamel's parents and advise them of the situation, and

WHEREAS, on the next school day, January 27, 1997, Tronneal Mangum traveled to Conniston Middle School on the school bus with a loaded firearm and entered school property carrying the weapon, and

WHEREAS, the Palm Beach County School Board was on notice that students had brought firearms to Conniston Middle School on previous occasions, but the board did not enact any security measures to prevent such acts, and

WHEREAS, on January 27, 1997, the school failed to have personnel assigned to posts to adequately supervise the safety of the children as they entered the school, and

WHEREAS, on January 27, 1997, the school district police officer whose post was on the sidewalk directly in front of the school where the shooting occurred was not at his post that morning, and

WHEREAS, because of the multiple acts of negligence, carelessness, and a lack of concern for the risks of harm that confronted Jean Kamel by the Conniston Middle School staff, on January 27, 1997, Jean Kamel was brutally shot to death by Tronneal Mangum in the front of the school, and

WHEREAS, on February 8, 2002, a Palm Beach County jury found that the Palm Beach County School Board was negligent and 80 percent liable for the death of Jean Kamel, and

WHEREAS, the jury determined that the amount of damages Ashraf Kamel and Marguerite Dimitri, the parents of Jean Kamel, received was \$2 million to compensate them for their grief, anguish, and mental pain and suffering as a result of the negligence of the school and the Palm Beach County School Board, and

WHEREAS, on February 22, 2002, the Circuit Court for the 15th Judicial Circuit in and for Palm Beach County reduced the jury verdict to a final judgment of \$1,602,400, based on the offset for 20 percent comparative negligence, and

WHEREAS, on May 14, 2002, the circuit court entered a cost judgment in favor of Ashraf Kamel in the amount of \$13,490, and

WHEREAS, the Palm Beach County School Board appealed the final judgment, and the Fourth District Court of Appeal rejected the appeal in a per curiam affirmed opinion issued on February 12, 2003, and

WHEREAS, on February 27, 2003, the Palm Beach County School Board filed a Motion for Rehearing and Certification of Issues of Great Public Importance, which was denied by the Fourth District Court of Appeal on March 20, 2003, and

WHEREAS, on April 17, 2003, the Palm Beach County School Board tendered to Ashraf Kamel, as personal representative of the Estate of Jean A. Pierre Kamel, a payment of \$200,000 in accordance with the statutory limits of liability set forth in s. 768.28, Florida Statutes, and

WHEREAS, Ashraf Kamel and Marguerite Dimitri and the Palm Beach County School Board agreed to settle the parents' claim for an additional \$360,000, and

WHEREAS, Ashraf Kamel, as personal representative of the Estate of Jean A. Pierre Kamel, seeks satisfaction of the \$360,000 balance of the settlement agreement, NOW, THEREFORE,

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

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

Section 2. The Palm Beach County School Board is authorized and directed to appropriate from funds of the school board not otherwise encumbered the total amount of \$360,000, and to draw warrants payable to Ashraf Kamel in the sum of \$180,000 and to Marguerite Dimitri in the sum of \$180,000 to compensate them for their injuries and damages sustained due to the death of their son, Jean A. Pierre Kamel, as a result of the negligence of the school board.

Section 3. The amount paid by the Palm Beach County School Board pursuant to s. 768.28, Florida Statutes, and the amounts awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in the death of Jean A. Pierre Kamel. Of the amount awarded under this act, the total amount paid for attorney fees may not exceed \$68,400, the total amount paid for lobbying fees may not exceed \$21,600, and the total amount paid for costs and other similar expenses relating to this claim may not exceed \$1,935.66.

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

Approved by the Governor March 23, 2018.

Filed in Office Secretary of State March 23, 2018.