

By Senator Mayfield

17-00110B-19

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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
4 compensate him for injuries and damages sustained as a
5 result of the negligence of employees of the Osceola
6 County School Board; providing a limitation on the
7 payment of attorney fees; providing an effective date.
8

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

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

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

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

27 WHEREAS, due to the negligent supervision of the coaches,
28 Kareem Hawari hit his head on the ground during the match and
29 suffered a brainstem hemorrhage, which resulted in a traumatic

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30 brain injury that affects his motor coordination and ability to
31 speak, and

32 WHEREAS, Kareem Hawari was hospitalized at Osceola Regional
33 Medical Center on March 5, 2010, and was then transported by
34 helicopter to Arnold Palmer Hospital for Children, where he was
35 admitted from March 6, 2010, to May 4, 2010, and

36 WHEREAS, Kareem Hawari underwent surgery on March 8, 2010,
37 to relieve pressure on his brain, and had additional surgeries
38 on March 8, 2010, and on March 24, 2010, and

39 WHEREAS, Kareem Hawari was thereafter transferred to Brooks
40 Rehabilitation, where he was a patient from May 4, 2010, to June
41 30, 2010, and

42 WHEREAS, Kareem Hawari received physical therapy at Florida
43 Hospital Sports Medicine and Rehabilitation on an outpatient
44 basis from July 12, 2014, to October 1, 2014, and

45 WHEREAS, Kareem Hawari seeks to recover damages for his
46 injuries, which include a permanent injury to his body as a
47 whole, past and future pain and suffering of both physical and
48 mental natures, disability, physical impairment, disfigurement,
49 mental anguish, inconvenience, loss of capacity for the
50 enjoyment of life, expense of hospitalization, medical and
51 nursing care and treatment, loss of ability to earn money, and
52 loss of ability to lead and enjoy a normal life, and

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

56 WHEREAS, Kareem Hawari lived a full and vigorous life
57 before his injury on March 5, 2010, had a zest for life, and was
58 active in recreational, social, and sporting activities, and

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59 WHEREAS, Kareem Hawari requires continuous assistance with
60 activities of daily living and ongoing treatment for his
61 injuries, and

62 WHEREAS, Kareem Hawari filed a lawsuit against the Osceola
63 County School Board and the Foundation for Osceola Education in
64 the Osceola County Circuit Court, alleging that the coaches in
65 their employ had negligently supervised the wrestling match,
66 causing his injures, and

67 WHEREAS, after extensive discovery and pretrial
68 preparation, the parties settled the case in the amount of \$3.6
69 million, of which \$100,000 has been paid in accordance with the
70 statutory limits of liability in s. 768.28, Florida Statutes
71 (2010), NOW, THEREFORE,

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

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

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

82 Section 3. The amount paid by the Osceola County School
83 Board and the amount awarded under this act are intended to
84 provide the sole compensation for all present and future claims
85 arising out of the factual situation described in this act which
86 resulted in injuries and damages to Kareem Hawari. The total
87 amount paid for attorney fees relating to this claim may not

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88 exceed 25 percent of the total amount awarded under this act.

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