

HB 6511

2019

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

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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  
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

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,

72

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

74

75 Section 1. The facts stated in the preamble to this act

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

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