

HB 6509

2021

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 Kareem Hawari to compensate him for injuries and
5 damages sustained as a result of the negligence of
6 employees of the Osceola County School Board;
7 providing a limitation on the payment of attorney
8 fees; providing an effective date.
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10 WHEREAS, on March 5, 2010, at approximately 6 p.m., then
11 13-year-old Kareem Hawari was participating in a wrestling match
12 sponsored by Harmony Community School in the School District of
13 Osceola County, and

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

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

25 WHEREAS, Kareem Hawari was matched with a student athlete

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26 | who was larger, stronger, and more experienced, and who finished
27 | the 2010 and 2011 seasons as a county champion wrestler, and

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

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

38 | WHEREAS, Kareem Hawari underwent surgery on March 8, 2010,
39 | to relieve pressure on his brain and had an additional surgery
40 | on March 24, 2010, and

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

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

47 | WHEREAS, Kareem Hawari seeks to recover damages for his
48 | injuries, which include a permanent injury to his body as a
49 | whole, past and future pain and suffering of both physical and
50 | mental natures, disability, physical impairment, disfigurement,

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51 | mental anguish, inconvenience, loss of capacity for the
52 | enjoyment of life, expense of hospitalization, expense of
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, Kareem Hawari incurred medical expenses in the
56 | amount of \$708,309.92 and is permanently and totally disabled
57 | and unable to engage in any employment, and

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

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

64 | WHEREAS, Kareem Hawari filed a lawsuit against the Osceola
65 | County School Board and the Education Foundation of Osceola
66 | County in the Osceola County Circuit Court, alleging that the
67 | coaches in their employ had negligently supervised the wrestling
68 | match, causing his injuries, and

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

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

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

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

Section 3. The amount paid by the Osceola County School Board and the amount 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 injuries and damages to Kareem Hawari. The total amount paid for attorney fees relating to this claim may not exceed 25 percent of the total amount awarded under this act.

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