

House Bill No. 1691

An act relating to the Sarasota County School Board; providing for the relief of Denise Yahraus individually and as the personal representative of the estate of Michael Yahraus, deceased, and his three minor children, Nadia Yahraus, Michael Yahraus, and Jonathan Yahraus; authorizing and directing the school board of Sarasota County, Florida, to compensate the estate for the death of Michael Yahraus, due to the negligence of the Sarasota County School Board; specifying the time and manner of payment; providing an effective date.

WHEREAS, on September 11, 2000, Michael Yahraus was fatally injured in performance of his official duties while attending the Criminal Justice Academy at the Sarasota County Technical Institute, and

WHEREAS, the Sarasota County Technical Institute is operated by the Sarasota County School Board, and the Criminal Justice Academy, which Michael Yahraus was attending when he was fatally injured, is a program operated by the Sarasota County School Board, and

WHEREAS, during the course of the training class, instructors of the Sarasota County School Board Criminal Justice Academy negligently used a training handgun by using a blank rather than a primer charge, which caused the handgun to improperly fire a projectile from the plugged gun, wounding and ultimately resulting in the death of Michael Yahraus, and

WHEREAS, the actions taken by the instructors were negligent and caused the death of Michael Yahraus, and

WHEREAS, Denise Yahraus, individually and on behalf of the decedent's minor children and as personal representative of her husband's estate filed suit in Sarasota County against the Sarasota County School Board, and

WHEREAS, the parties agreed to a settlement in the amount of \$1,250,000 to be paid to the estate and its beneficiaries, and

WHEREAS, the Circuit Court in Sarasota County entered a Final Judgment on January 14, 2002, in the amount of \$1,250,000, specifically incorporating the settlement agreement therein, providing that the estate recover that amount from the Sarasota County School Board, and

WHEREAS, Denise Yahraus has received \$200,000 in partial satisfaction of the agreed-upon settlement amount, and

WHEREAS, the Sarasota County School Board agreed not to oppose the estate's efforts to secure a claim bill for payment of the remaining portion of the stipulated final judgment, and

WHEREAS, the remaining unpaid amount of the judgment is \$1,050,000, 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 Sarasota County School Board is authorized and directed to compensate Michael Yahraus's widow, Denise Yahraus, as personal representative of the Estate of Michael Yahraus, and his three children, Nadia Yahraus, Michael Yahraus, and Jonathan Yahraus, for the death of Michael Yahraus caused by school board employee negligence, in the amount of \$1,050,000, such payment to be made out of funds of the District School Board not otherwise appropriated, and to be made thirty days following the first July 1 after the effective date of this act. After payment of statutory attorney's fees and costs, and any outstanding worker's compensation lien, 50 percent of the balance shall be paid to Denise Yahraus, and the remaining 50 percent shall be divided into three equal shares, with one share being paid into each of the three children's restricted guardianship accounts.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor July 16, 2003.

Filed in Office Secretary of State July 16, 2003.