



CHAMBER ACTION

The Committee on Judiciary recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled
 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



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29 Justice Academy, which Michael Yahraus was attending when he was
30 fatally injured, is a program operated by the Sarasota County
31 School Board, and

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

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

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

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

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

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

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



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57 WHEREAS, the remaining unpaid amount of the judgment is
58 \$1,050,000, NOW, THEREFORE,

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

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

64 Section 2. The Sarasota County School Board is authorized
65 and directed to compensate Michael Yahraus's widow, Denise
66 Yahraus, as personal representative of the Estate of Michael
67 Yahraus, and his three children, Nadia Yahraus, Michael Yahraus,
68 and Jonathan Yahraus, for the death of Michael Yahraus caused by
69 school board employee negligence, in the amount of \$1,050,000,
70 such payment to be made out of funds of the District School
71 Board not otherwise appropriated, and to be made thirty days
72 following the first July 1 after the effective date of this act.
73 After payment of statutory attorney's fees and costs, and any
74 outstanding worker's compensation lien, 50 percent of the
75 balance shall be paid to Denise Yahraus, and the remaining 50
76 percent shall be divided into three equal shares, with one share
77 being paid into each of the three children's restricted
78 guardianship accounts.

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