

STORAGE NAME: h1691.ju  
DATE: March 20, 2003

Florida House of Representatives  
Subcommittee on Claims  
Summary Claim Bill Report

Bill #: HB 1691  
Sponsor: Rep. Detert  
Companion Bill: SB 46 by Senator Campbell  
Special Master: Stephanie Birtman, Esq.

A. Basic Information:

1. **Claimants:** Denise Yahraus, as personal representative of the estate of Michael Yahraus; Jonathan S. Yahraus; Michael J. Yahraus; and Nadia S. Yahraus
2. **Respondent:** Sarasota County School Board
3. **Amount Requested:** \$1,050,000 to be distributed as follows: \$525,000 to Denise Yahraus (1/2 of proceeds); and \$175,000 to each of the three children (1/3 of the remaining half).
4. **Type of Claim:** Equitable; based on a settlement agreement.
5. **Respondent's Position:** The School Board has agreed not to directly or indirectly oppose plaintiff's efforts to secure a claim bill.
6. **Collateral Sources:** A combination of social security; workers' comp; pension; life insurance; federal government benefits; county benefits; insurance benefits; monies from the Benevolent Fund; and monies from a local fundraiser total \$1,371,084 (present value).
7. **Prior Legislative History:** None.
8. **Attorney's Fees and Costs:** Attorney's fees are limited to 25% as required pursuant to s. 768.28, F.S. The final judgment reports costs of \$11,651, which includes funds advanced for lobbying fees.

**B. Procedural Summary:** A wrongful death complaint was filed against the Sarasota County School Board, alleging that the negligent discharge of a firearm caused the death of Michael Yahraus. The parties settled prior to trial for a total sum of \$1,250,000, \$200,000 of which has already been paid. The award is to be paid from the workforce development budget in the School Board's general fund.

**C. Facts of Case:** Michael Yahraus was a paramedic/EMT employed by Sarasota County. On September 12, 2000, Mr. Yahraus was taking a course of instruction at the Sarasota County Technical Institute to qualify him to participate in SWAT team operations. During a simulated vehicle stop an instructor's training pistol, which should have been operated with cap-type ammunition, was instead operated with a blank. When discharged, the piece of lead was forced out of the pistol and ultimately struck Mr. Yahraus, ultimately causing his death. The claimants include his widow Denise, and his three children: Michael John, age 5; Jonathan, age 2; and Nadia, age 9 (Nadia lives with her mother, Mr. Yahraus' first wife). All three children have restricted guardianship accounts into which the proceeds of this bill will be placed.

SM: \_\_\_\_\_  
Stephanie O. Birtman

Date: \_\_\_\_\_