

HB 1095

2011

1                   A bill to be entitled  
2           An act for the relief of Marcus Button by the Pasco County  
3           School Board; providing for an appropriation to compensate  
4           Marcus Button for injuries sustained as a result of the  
5           negligence of an employee of the Pasco County School  
6           Board; providing a limitation on the payment of fees and  
7           costs; providing an effective date.

8  
9           WHEREAS, on the morning of September 22, 2006, Jessica  
10          Juettner picked up 16-year-old Marcus Button at his home for  
11          school where both were students at Wesley Chapel High School. As  
12          Jessica drove her Dodge Neon west on State Road 54, Marcus  
13          realized he had left his wallet at home. Jessica turned the car  
14          around and headed back on State Road 54, but as she approached  
15          Meadow Pointe Boulevard, John E. Kinne, who was driving a 35-  
16          foot Pasco County school bus, pulled out in front of her.  
17          Jessica slammed on the brakes, but her car struck the bus  
18          between the wheels and slipped underneath the bus, and

19          WHEREAS, Marcus, who was riding in the front passenger  
20          seat, sustained facial and skull fractures, brain damage, and  
21          vision loss, and Jessica suffered only minor injuries, and

22          WHEREAS, Kinne was cited for failing to yield the right-of-  
23          way. Kinne and his backup driver, Linda Bone, were the only  
24          people on the bus and were not seriously injured, and

25          WHEREAS, Marcus was airlifted to St. Joseph's Children's  
26          Hospital, where he spent 3 weeks recovering. He was then  
27          transferred to Tampa General Hospital for rehabilitation for an  
28          additional 6 weeks. He had to relearn how to walk, and he

HB 1095

2011

29 | currently cannot walk for any substantial length of time without  
30 | pain. Marcus lost most of the sight in his right eye, can no  
31 | longer smell, has limited ability to taste, and cannot feel  
32 | textures. The brain damage he sustained in the crash has caused  
33 | him to see and hear things that are not there, to talk with a  
34 | British or a Southern accent, and to become paranoid. Facial  
35 | fractures have left one side of his face higher than the other,  
36 | and

37 |       WHEREAS, Marcus returned home in November 2006, but his  
38 | parents testified that their son is not the same person who left  
39 | for school that September morning. "My son who woke up [in the  
40 | hospital] was not the same son I gave birth to," Robin Button  
41 | testified. "He was, but he wasn't. It was him, his skin, but it  
42 | wasn't him in his skin. Different kid. The son I knew is gone.  
43 | He died on that day," and

44 |       WHEREAS, the Buttons sued the Pasco County School Board for  
45 | negligence in 2007, and the case went to trial. A pediatric  
46 | rehabilitation doctor and a neuropsychologist testified at trial  
47 | that Marcus will require a lifetime of 24-hour-a-day care,  
48 | counseling, interventions, medical care, and pharmaceuticals to  
49 | cope with his physical symptoms and control his psychotic and  
50 | delusional behavior. He continues to suffer from memory loss,  
51 | has trouble sleeping, and struggles to concentrate or stay on  
52 | task. An economist who testified at trial estimated Marcus's  
53 | future care will cost between \$6 million and \$10 million. The  
54 | economist also testified that Marcus's inability to work in the  
55 | future will cost him between \$365,000 and \$570,000 in lost  
56 | wages, and

57 WHEREAS, the jury of five men and one woman found the Pasco  
 58 County School Board 65 percent responsible for the crash.  
 59 Jessica was found to be 20 percent responsible, and Marcus 10  
 60 percent. The allocation of responsibility away from the school  
 61 board reduced the award to \$875,000, and

62 WHEREAS, the Pasco County School Board has paid the  
 63 statutory limit of \$200,000 pursuant to s. 768.28, Florida  
 64 Statutes, and \$675,000 remains unpaid, NOW, THEREFORE,

65  
 66 Be It Enacted by the Legislature of the State of Florida:

67  
 68 Section 1. The facts stated in the preamble to this act  
 69 are found and declared to be true.

70 Section 2. The Pasco County School Board is authorized and  
 71 directed to appropriate from funds of the school board not  
 72 otherwise encumbered and to draw a warrant, payable to Marcus  
 73 Button, for the amount of \$675,000 to compensate him for  
 74 injuries and damages sustained due to the negligence of the  
 75 school board.

76 Section 3. The amount paid by the Pasco County School  
 77 Board pursuant to s. 768.28, Florida Statutes, and the amount  
 78 awarded under this act are intended to provide the sole  
 79 compensation for all present and future claims arising out of  
 80 the factual situation described in this act which resulted in  
 81 injuries sustained by Marcus Button. The total amount paid for  
 82 attorney's fees, lobbying fees, costs, and other similar  
 83 expenses relating to this claim may not exceed 25 percent of the  
 84 total amount awarded under this act.

HB 1095

2011

85

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