

1 A bill to be entitled

2 An act for the relief of Marcus Button by the Pasco
3 County School Board; providing an appropriation to
4 compensate Marcus Button for harms and losses he
5 sustained as a result of the negligence of two
6 employees of the Pasco County School Board; providing
7 an appropriation to repay Mark Button and Robin
8 Button, as parents and natural guardians of Marcus
9 Button, for harms and losses they sustained as a
10 result of the injury to their child, Marcus Button;
11 providing a limitation on the payment of compensation
12 and attorney fees; providing an effective date.

13
14 WHEREAS, on the morning of September 22, 2006, Jessica
15 Juettner picked up 16-year-old Marcus Button at his home in
16 order to drive him to Wesley Chapel High School, where both were
17 students, and

18 WHEREAS, as Ms. Juettner drove to school west on State Road
19 54, Pasco County, Florida, Marcus Button realized he had left
20 his wallet at home, and Ms. Juettner turned her Dodge Neon
21 subcompact car around and headed back to his home, and

22 WHEREAS, as Ms. Juettner's car approached Meadow Pointe
23 Boulevard, John E. Kinne, an employee of Pasco County School
24 Board who was driving a 35-foot school bus owned by the Pasco
25 County School Board, pulled out in front of her, and

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26 WHEREAS, although Ms. Juettner slammed on the brakes, her
27 car's left front struck the bus between the wheels and continued
28 under the bus which crushed the car's right front and roof, and

29 WHEREAS, while Ms. Juettner suffered a knee and other minor
30 injuries, Marcus Button, who was riding in the front passenger
31 seat, sustained facial and skull fractures, brain damage, and
32 bleeding and vision loss, and

33 WHEREAS, Mr. Kinne and his "relief" driver, Linda Bone,
34 were the only people on the bus and were not seriously injured,
35 and

36 WHEREAS, Marcus Button was airlifted to St. Joseph's
37 Children's Hospital, where he spent three (3) weeks recovering,
38 and then was transferred to Tampa General Hospital for
39 rehabilitation for an additional six (6) weeks, and

40 WHEREAS, Marcus Button sustained severe, widespread
41 neurologic systems damage, had to relearn how to walk and
42 currently cannot walk for any substantial length of time without
43 pain, lost the use of his right eye, cannot look up or down with
44 his left eye, and suffered facial fractures that twisted and
45 left his face badly disfigured with one side of his face higher
46 than the other, and

47 WHEREAS, in addition, Marcus Button can no longer smell,
48 has limited ability to taste, cannot feel textures, and, as a
49 result of the brain damage from the crash, has severe
50 hallucinations unless he takes psychotropic medications daily,

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51 and he sees and hears things that are not there, has spoken with
52 a British or a Southern accent, has no short-term memory, has no
53 ability of judgment for his safety, and is paranoid, and

54 WHEREAS, Marcus Button returned from the hospital in
55 November 2006, but his mother, Robin Button, testified, "My son
56 who woke up [in the hospital] was not the same son I gave birth
57 to. He was, but he wasn't. It was him, his skin, but it wasn't
58 him in his skin. Different kid. The son I knew is gone. He died
59 on that day," and

60 WHEREAS, as the operator of a school bus, Mr. Kinne had the
61 duty to drive the bus in a safe manner and in accordance with
62 Florida law, but failed to do so, and the "relief" driver had a
63 job duty to help Mr. Kinne, but failed to do so, and

64 WHEREAS, Mr. Kinne was later cited by the Florida Highway
65 Patrol trooper for failing to yield the right-of-way to Ms.
66 Juettner's car, and

67 WHEREAS, in 2007, Marcus Button's parents, Mark Button and
68 Robin Button, sued the Pasco County School Board for the harms
69 and losses caused by its negligence, and, during the subsequent
70 trial, a pediatric rehabilitation doctor and a neuropsychologist
71 testified unopposed that, because of the crash injuries, Marcus
72 Button will require 24-hour care, counseling, interventions,
73 medical care, and medications for the remainder of his life to
74 cope with his physical symptoms and to control his psychotic and
75 delusional behavior from the crash injuries, and that Marcus

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76 Button continues to suffer crash-related memory loss, has
77 trouble sleeping, and struggles to concentrate and stay on task,
78 and

79 WHEREAS, an expert economist who testified unopposed at
80 trial estimated Marcus Button's future care will cost between
81 \$6,000,000.00 and \$10,000,000.00 and his inability to work will
82 result in the loss of between \$365,000.00 and \$570,000.00 in
83 wages over his lifetime, and

84 WHEREAS, the trial court ordered the Pasco County School
85 Board to pay final judgments of \$1,380,967.39 to Marcus Button
86 and \$289,396.85 to Mark Button and Robin Button, and

87 WHEREAS, the Pasco County School Board has paid \$163,000 of
88 the \$200,000 statutory limit applicable at the time the claim
89 arose pursuant to s. 768.28, Florida Statutes 2009, to Marcus
90 Button and to Mark Button and Robin Button, as parents and
91 natural guardians of Marcus Button, as partial compensation for
92 the harms and losses caused by the crash, and

93 WHEREAS, the pro rata share of the statutory limit pursuant
94 to s. 768.28, Florida Statutes, paid to Marcus Button is
95 \$134,752.10, but the balance of \$1,246,215.29 remains unpaid,
96 and

97 WHEREAS, the pro rata share of the statutory limit pursuant
98 to s. 768.28, Florida Statutes, paid to Mark Button and Robin
99 Button is \$28,247.90, but the balance of \$261,148.95 remains
100 unpaid, and

101 WHEREAS, since the judgments were entered, the Pasco County
 102 School Board did not appeal these judgments, has opposed bills
 103 ordering payment of any amounts ordered by the judge, has
 104 refused to negotiate or participate in any discussions until the
 105 2024 Regular Session, and has not taken steps to pay any part of
 106 these 13-year-old judgments entered by the judge after a full
 107 trial, NOW, THEREFORE,

108

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

110

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

113 Section 2. The Pasco County School Board is authorized and
 114 directed to appropriate from funds of the school board not
 115 otherwise encumbered and to draw a warrant in the sum of
 116 \$1,246,215.29 made payable to Marcus Button as compensation for
 117 harms and losses he sustained due to the negligence of employees
 118 of the Pasco County School Board.

119 Section 3. The Pasco County School Board is authorized and
 120 directed to appropriate from funds of the school board not
 121 otherwise encumbered and to draw a warrant in the sum of
 122 \$261,148.95 made payable to Mark Button and Robin Button, as
 123 parents and natural guardians of Marcus Button, as compensation
 124 for harms and losses sustained by them for injuries to Marcus
 125 Button in the September 22, 2006, crash which was due to the

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126 negligence of employees of the Pasco County School Board.

127 Section 4. The amount paid by the Pasco County School
128 Board pursuant to s. 768.28, Florida Statutes 2009, and the
129 amounts awarded under this act are intended to provide the sole
130 compensation for all present and future claims arising out of
131 the factual situation described in this act which resulted in
132 injuries sustained by Marcus Button and his parents, Mark Button
133 and Robin Button. The total amount paid for attorney fees may
134 not exceed 25 percent of the total amounts awarded under this
135 act.

136 Section 5. This act shall take effect upon becoming a law.