

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 an employee  
6 of the Pasco County School Board; providing an  
7 appropriation to repay Mark Button, now deceased, and  
8 Robin Button, as the surviving parent and natural  
9 guardian of Marcus Button, for harms and losses they  
10 sustained as a result of the injury to their child,  
11 Marcus Button; providing a limitation on the payment  
12 of compensation and attorney fees; providing an  
13 effective date.

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

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

23 WHEREAS, as Ms. Juettner's car approached Meadow Pointe  
24 Boulevard, John E. Kinne, an employee of the Pasco County School  
25 Board, acting within the course and scope of his employment, was

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26 | driving a 35-foot school bus owned by the Pasco County School  
27 | Board, and pulled out in front of her, and

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

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

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

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

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

49 |       WHEREAS, as the operator of a school bus, Mr. Kinne had the  
50 | duty to drive the bus in a safe manner and in accordance with

51 Florida law, but he failed to do so, and

52 WHEREAS, in 2007, Marcus Button's parents, Mark Button and  
 53 Robin Button, sued the Pasco County School Board for the harms  
 54 and losses caused by the negligence of its employee, and

55 WHEREAS, during the subsequent trial, a pediatric  
 56 rehabilitation doctor and a neuropsychologist testified  
 57 unopposed that, because of the crash injuries, Marcus Button  
 58 will require 24-hour care, counseling, interventions, medical  
 59 care, and medications for the remainder of his life to cope with  
 60 his physical symptoms and to control his psychotic and  
 61 delusional behavior from the crash injuries, and that Marcus  
 62 Button continues to suffer crash-related memory loss, has  
 63 trouble sleeping, and struggles to concentrate and stay on task,  
 64 and

65 WHEREAS, an expert economist who testified unopposed at  
 66 trial estimated Marcus Button's future care will cost between  
 67 \$6,000,000.00 and \$10,000,000.00 and his inability to work will  
 68 result in the loss of between \$365,000.00 and \$570,000.00 in  
 69 wages over his lifetime, and

70 WHEREAS, the trial court ordered the Pasco County School  
 71 Board to pay final judgments of \$1,380,967.39 to Marcus Button  
 72 and \$289,396.85 to Mark Button, now deceased, and Robin Button,  
 73 and

74 WHEREAS, the Pasco County School Board has paid \$163,000 of  
 75 the \$200,000 statutory limit applicable at the time the claim

76 | arose pursuant to s. 768.28, Florida Statutes 2009, to Marcus  
 77 | Button and to Mark Button, now deceased, and Robin Button, as  
 78 | the surviving parent and natural guardian of Marcus Button, as  
 79 | partial compensation for the harms and losses caused by the  
 80 | crash, and

81 |       WHEREAS, since the judgments were entered, the Pasco County  
 82 | School Board did not appeal these judgments, and the parties  
 83 | have agreed to a total settlement in the amount of \$1,200,00.00  
 84 | to forever and completely relieve the Pasco County School Board  
 85 | of any and all further responsibility regarding the crash that  
 86 | occurred on September 22, 2006, NOW, THEREFORE,

87 |

88 | Be It Enacted by the Legislature of the State of Florida:

89 |

90 |       Section 1. The facts stated in the preamble to this act  
 91 | are found and declared to be true.

92 |       Section 2. The Pasco County School Board is authorized and  
 93 | directed to appropriate from funds of the school board not  
 94 | otherwise encumbered and to draw a warrant in the sum of  
 95 | \$1,000,000.00 made payable to a trust for the sole and exclusive  
 96 | benefit of Marcus Button as compensation for harms and losses he  
 97 | sustained due to the negligence of an employee of the Pasco  
 98 | County School Board.

99 |       Section 3. The Pasco County School Board is authorized and  
 100 | directed to appropriate from funds of the school board

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101 \$200,000.00 made payable to Robin Button, as the surviving  
102 parent and natural guardian of Marcus Button, as compensation  
103 for harms and losses sustained by her and Mark Button, now  
104 deceased, for injuries to Marcus Button due to the negligence of  
105 an employee of the Pasco County School Board.

106 Section 4. The amount paid by the Pasco County School  
107 Board pursuant to s. 768.28, Florida Statutes 2009, and the  
108 amounts awarded under this act are intended to provide the sole  
109 compensation for all past, present, and future claims arising  
110 out of the crash that occurred on September 22, 2006, and the  
111 factual situation described in this act which resulted in  
112 injuries sustained by Marcus Button and his parents, Mark  
113 Button, now deceased, and Robin Button. The total amount paid  
114 for attorney fees may not exceed 25 percent of the total amounts  
115 awarded under this act.

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