

By Senator Fasano

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1 A bill to be entitled

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

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

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

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

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

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

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

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

58 WHEREAS, the jury of five men and one woman found the Pasco

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59 County School Board 65 percent responsible for the crash.
60 Jessica was found to be 20 percent responsible, and Marcus 10
61 percent. The allocation of responsibility away from the school
62 board reduced the award to \$875,000, and

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

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

68

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

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

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

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