

By Senator Diaz de la Portilla

36-00182-12

201236\_\_

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

36-00182-12

201236\_\_

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

36-00182-12

201236\_\_

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,

66

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.