

By Senator Grimsley

21-00155-14

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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 for an appropriation to
7 compensate Mark and Robin Button, as parents and
8 natural guardians of Marcus Button, for injuries and
9 damages sustained by Marcus Button; providing a
10 limitation on the payment of fees and costs; providing
11 an effective date.

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

17 WHEREAS, as Jessica drove her Dodge Neon west on State Road
18 54, Marcus Button realized he had left his wallet at home, so
19 Jessica turned the car around and headed back on State Road 54,
20 and

21 WHEREAS, as Jessica approached Meadow Pointe Boulevard,
22 John E. Kinne, who was driving a 35-foot Pasco County Schools
23 bus, pulled out in front of her, and

24 WHEREAS, as an operator of a school bus owned by the Pasco
25 County Schools, Mr. Kinne had the duty to drive the bus in a
26 safe manner and in accordance with state law, but failed to do
27 so, and

28 WHEREAS, Mr. Kinne was later cited for failing to yield the
29 right-of-way, and

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30 WHEREAS, Jessica slammed on the brakes, but her car struck
31 the bus between the wheels and slipped underneath the bus, and

32 WHEREAS, while Jessica suffered only minor injuries, Marcus
33 Button, who was riding in the front passenger seat, sustained
34 facial and skull fractures, brain damage, and vision loss, and

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

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

41 WHEREAS, Marcus Button had to relearn how to walk, and
42 currently cannot walk for any substantial length of time without
43 pain, lost most of the sight in his right eye, and suffered
44 facial fractures that left one side of his face higher than the
45 other, and

46 WHEREAS, in addition, Marcus Button can no longer smell,
47 has limited ability to taste, cannot feel textures and, as a
48 result of the brain damage he sustained in the crash, sees and
49 hears things that are not there, speaks with a British or a
50 Southern accent, and is paranoid, and

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

56 WHEREAS, in 2007, Marcus Button's parents sued the Pasco
57 County School Board for negligence, and during the subsequent
58 trial, a pediatric rehabilitation doctor and a neuropsychologist

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59 testified that, for the remainder of his life, Marcus will
60 require 24-hour care, counseling, interventions, medical care,
61 and pharmaceuticals to cope with his physical symptoms and
62 control his psychotic and delusional behavior; that he continues
63 to suffer from memory loss; and that he has trouble sleeping and
64 struggles to concentrate or stay on task, and

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

69 WHEREAS, the jury of five men and one woman found the Pasco
70 County School Board 65 percent responsible for the crash,
71 Jessica 20 percent responsible, and Marcus Button 10 percent,
72 and

73 WHEREAS, the Pasco County School Board paid only \$163,000,
74 as the remainder of the statutory limit of \$200,000 pursuant to
75 s. 768.28, Florida Statutes, to Marcus Button and Mark and Robin
76 Button, as parents and natural guardians of Marcus Button, as
77 compensation for injuries and damages that were incurred as a
78 result of the accident that occurred on September 22, 2006, and

79 WHEREAS, the trial court ordered the Pasco County School
80 Board to pay final judgments of \$1,380,967.39, and \$289,396.85
81 to Marcus Button and his parents Mark and Robin Button,
82 respectively, and

83 WHEREAS, the pro rata share of the statutory limit pursuant
84 to s. 768.28, Florida Statutes, paid to Marcus Button is
85 \$134,752.10, but the balance of \$1,380,967.39 remains unpaid,
86 and

87 WHEREAS, the pro rata share of the statutory limit pursuant

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88 to s. 768.28, Florida Statutes, paid to Mark and Robin Button is
89 \$28,247.90, but the balance of \$289,396.85 remains unpaid, NOW,
90 THEREFORE,

91

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

93

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

96 Section 2. The Pasco County School Board is authorized and
97 directed to appropriate from funds of the school board not
98 otherwise encumbered and to draw a warrant, payable to Marcus
99 Button, for the pro rata amount of \$1,246,215.29, to compensate
100 him for injuries and damages sustained due to the negligence of
101 an employee of the school board.

102 Section 3. The Pasco County School Board is authorized and
103 directed to appropriate from funds of the school board not
104 otherwise encumbered and to draw a warrant, payable to Mark and
105 Robin Button, as parents and natural guardians of Marcus Button,
106 for a pro rata amount of \$261,148.95, to compensate them for
107 injuries and damages sustained by Marcus Button as a result of
108 the accident that occurred on September 22, 2006.

109 Section 4. The amount paid by the Pasco County School Board
110 pursuant to s. 768.28, Florida Statutes, and the amounts awarded
111 under this act are intended to provide the sole compensation for
112 all present and future claims arising out of the factual
113 situation described in this act which resulted in injuries
114 sustained by Marcus Button. The total amount paid for attorney
115 fees, lobbying fees, costs, and other similar expenses relating
116 to this claim may not exceed 25 percent of the total amount

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117 awarded under this act.

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