

By Senator Grimsley

21-00202-16

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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.
12

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 that he had left his wallet at home,
19 and Jessica turned the car around and headed back to his home,
20 and

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

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

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

29 WHEREAS, Mr. Kinne and his backup driver, Linda Bone, were

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30 the only people on the bus and were not seriously injured, and

31 WHEREAS, Marcus Button was airlifted to St. Joseph's
32 Children's Hospital, where he spent 3 weeks recovering, and then
33 was transferred to Tampa General Hospital for rehabilitation for
34 an additional 6 weeks, and

35 WHEREAS, Marcus Button had to relearn how to walk, and
36 currently cannot walk for any substantial length of time without
37 pain, lost most of the sight in his right eye, and suffered
38 facial fractures that left one side of his face higher than the
39 other, and

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

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

50 WHEREAS, as the operator of a school bus, Mr. Kinne, had
51 the duty to drive the bus in a safe manner and in accordance
52 with state law, but failed to do so, and

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

55 WHEREAS, in 2007, Marcus Button's parents sued the Pasco
56 County School Board for negligence and, during the subsequent
57 trial, a pediatric rehabilitation doctor and a neuropsychologist
58 testified that Marcus will require 24-hour care, counseling,

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

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

68 WHEREAS, a jury of five men and one woman apportioned
69 responsibility for the crash as follows: the Pasco County School
70 Board, 65 percent; Jessica 20 percent; Marcus Button, 10
71 percent, and

72 WHEREAS, the trial court ordered the Pasco County School
73 Board to pay final judgments of \$1,380,967.39 and \$289,396.85 to
74 Marcus Button and his parents, Mark and Robin Button,
75 respectively, and

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

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

86 WHEREAS, the pro rata share of the statutory limit pursuant
87 to s. 768.28, Florida Statutes, paid to Mark and Robin Button is

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88 \$28,247.90, but the balance of \$261,148.95 remains unpaid, NOW,
89 THEREFORE,

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

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

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

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

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

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