

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 injuries sustained as a
5 result of the negligence of an employee of the Pasco
6 County School Board; providing 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 attorney fees, lobbying
11 fees, and costs or other similar expenses; providing
12 an effective date.

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

18 WHEREAS, as Ms. Juettner drove her Dodge Neon west on State
19 Road 54, Mr. Button realized that he had left his wallet at
20 home, and Ms. Juettner turned her car around and headed back to
21 his home, and

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

26 WHEREAS, although Ms. Juettner slammed on the brakes, her
27 car struck the bus between the wheels and slipped underneath the
28 bus, and

29 WHEREAS, while Ms. Juettner suffered only minor injuries,
30 Mr. Button, who was riding in the front passenger seat,
31 sustained facial and skull fractures, brain damage, and vision
32 loss, and

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

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

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

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

49 WHEREAS, Mr. Button returned home in November 2006, but his
50 mother, Robin Button, testified, "My son who woke up [in the

51 hospital] was not the same son I gave birth to. He was, but he
52 wasn't. It was him, his skin, but it wasn't him in his skin.
53 Different kid. The son I knew is gone. He died on that day," and

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

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

59 WHEREAS, in 2007, Mr. Button's parents, Mark and Robin
60 Button, sued the Pasco County School Board for negligence, and,
61 during the subsequent trial, a pediatric rehabilitation doctor
62 and a neuropsychologist testified that Mr. Button will require
63 24-hour care, counseling, interventions, medical care, and
64 pharmaceuticals for the remainder of his life to cope with his
65 physical symptoms and control his psychotic and delusional
66 behavior; that he continues to suffer from memory loss; and that
67 he has trouble sleeping and struggles to concentrate and stay on
68 task, and

69 WHEREAS, an economist who testified at trial estimated that
70 Mr. Button's future care will cost between \$6 million and \$10
71 million and that his inability to work will result in the loss
72 of between \$365,000 and \$570,000 in wages over his lifetime, and

73 WHEREAS, a jury of five men and one woman apportioned
74 responsibility for the crash as follows: the Pasco County School
75 Board, 65 percent; Ms. Juettner, 20 percent; and Mr. Button, 15

76 percent, and

77 WHEREAS, the trial court ordered the Pasco County School
 78 Board to pay final judgments of \$1,380,967.39 and \$289,396.85,
 79 to Mr. Button and his parents, respectively, and

80 WHEREAS, the Pasco County School Board has paid \$163,000 of
 81 the statutory limit of \$200,000 pursuant to s. 768.28, Florida
 82 Statutes, applicable at the time the claim arose, to Mr. Button
 83 and to Mark and Robin Button, as parents and natural guardians
 84 of Mr. Button, as compensation for the injuries and damages
 85 incurred as a result of the accident, and

86 WHEREAS, the pro rata share of the statutory limit pursuant
 87 to s. 768.28, Florida Statutes, paid to Mr. Button is
 88 \$134,752.10, but the balance of \$1,246,215.29 remains unpaid,
 89 and

90 WHEREAS, the pro rata share of the statutory limit pursuant
 91 to s. 768.28, Florida Statutes, paid to Mark and Robin Button is
 92 \$28,247.90, but the balance of \$261,148.95 remains unpaid, NOW,
 93 THEREFORE,

94
 95 Be It Enacted by the Legislature of the State of Florida:

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

99 Section 2. The Pasco County School Board is authorized and
 100 directed to appropriate from funds of the school board not

101 otherwise encumbered and to draw a warrant, payable to Marcus
102 Button, in the amount of \$1,246,215.29, to compensate him for
103 injuries and damages sustained due to the negligence of an
104 employee of the school board.

105 Section 3. The Pasco County School Board is authorized and
106 directed to appropriate from funds of the school board not
107 otherwise encumbered and to draw a warrant, payable to Mark and
108 Robin Button, as parents and natural guardians of Mr. Button, in
109 the amount of \$261,148.95, to compensate them for injuries and
110 damages sustained by Mr. Button as a result of the accident that
111 occurred on September 22, 2006, due to the negligence of an
112 employee of the Pasco County School Board.

113 Section 4. The amount paid by the Pasco County School
114 Board pursuant to s. 768.28, Florida Statutes, and the amounts
115 awarded under this act are intended to provide the sole
116 compensation for all present and future claims arising out of
117 the factual situation described in this act which resulted in
118 injuries sustained by Mr. Button. Of the amount awarded under
119 this act, the total amount paid for attorney fees may not exceed
120 \$301,472.85, the total amount paid for lobbying fees may not
121 exceed \$75,368.21, and the total amount paid for costs or other
122 similar expenses may not exceed \$4,558.31.

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