

By Senator Gibson

6-00149-21

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

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

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

28 WHEREAS, while Ms. Juettner suffered only minor injuries,
29 Mr. Button, who was riding in the front passenger seat,

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30 sustained facial and skull fractures, brain damage, and vision
31 loss, and

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

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

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

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

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

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

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

58 WHEREAS, in 2007, Mr. Button's parents, Mark and Robin

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

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

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

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

79 WHEREAS, the Pasco County School Board has paid \$163,000 of
80 the \$200,000 statutory limit applicable at the time the claim
81 arose pursuant to s. 768.28, Florida Statutes 2009, to Mr.
82 Button and to Mark and Robin Button, as parents and natural
83 guardians of Mr. Button, as compensation for the injuries and
84 damages incurred as a result of the accident, and

85 WHEREAS, the pro rata share of the statutory limit pursuant
86 to s. 768.28, Florida Statutes 2009, paid to Mr. Button is
87 \$134,752.10, but the balance of \$1,246,215.29 remains unpaid,

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88 and

89 WHEREAS, the pro rata share of the statutory limit pursuant
90 to s. 768.28, Florida Statutes 2009, paid to Mark and Robin
91 Button is \$28,247.90, but the balance of \$261,148.95 remains
92 unpaid, NOW, THEREFORE,

93

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

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

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

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

112 Section 4. The amount paid by the Pasco County School Board
113 pursuant to s. 768.28, Florida Statutes 2009, and the amounts
114 awarded under this act are intended to provide the sole
115 compensation for all present and future claims arising out of
116 the factual situation described in this act which resulted in

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117 injuries sustained by Mr. Button. The total amount paid for
118 attorney fees relating to this claim may not exceed 25 percent
119 of the total amount awarded under this act.

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