

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: Judiciary Committee  
 2 Representative Andrade offered the following:

**Amendment (with title amendment)**

Remove lines 116-132 and insert:

6 \$1,000,000.00 made payable to a trust for the sole and exclusive  
 7 benefit of Marcus Button as compensation for harms and losses he  
 8 sustained due to the negligence of an employee of the Pasco  
 9 County School Board.

10 Section 3. The Pasco County School Board is authorized and  
 11 directed to appropriate from funds of the school board  
 12 \$200,000.00 made payable to Robin Button, as the surviving  
 13 parent and natural guardian of Marcus Button, as compensation  
 14 for harms and losses sustained by her and Mark Button, now  
 15 deceased, for injuries to Marcus Button due to the negligence of  
 16 an employee of the Pasco County School Board.

Amendment No. 1

17           Section 4. The amount paid by the Pasco County School  
18 Board pursuant to s. 768.28, Florida Statutes 2009, and the  
19 amounts awarded under this act are intended to provide the sole  
20 compensation for all past, present, and future claims arising  
21 out of the crash that occurred on September 22, 2006, and the  
22 factual situation described in this act which resulted in  
23 injuries sustained by Marcus Button and his parents, Mark  
24 Button, now deceased,

25  
26 -----

**T I T L E   A M E N D M E N T**

27           Remove lines 7-107 and insert:  
28           an appropriation to repay Mark Button, now deceased,  
29           and Robin Button, as surviving parent and natural  
30           guardian of Marcus Button, for harms and losses they  
31           sustained as a result of the injury to their child,  
32           Marcus Button; providing a limitation on the payment  
33           of compensation and attorney fees; providing an  
34           effective date.  
35

36  
37           WHEREAS, on the morning of September 22, 2006, Jessica  
38           Juettner picked up 16-year-old Marcus Button at his home in  
39           order to drive him to Wesley Chapel High School, where both were  
40           students, and

Amendment No. 1

41 WHEREAS, as Ms. Juettner drove to school west on State Road  
42 54, Pasco County, Florida, Marcus Button realized he had left  
43 his wallet at home, and Ms. Juettner turned her Dodge Neon  
44 subcompact car around and headed back to his home, and

45 WHEREAS, as Ms. Juettner's car approached Meadow Pointe  
46 Boulevard, John E. Kinne, an employee of the Pasco County School  
47 Board, acting within the course and scope of his employment, was  
48 driving a 35-foot school bus owned by the Pasco County School  
49 Board, and pulled out in front of her, and

50 WHEREAS, although Ms. Juettner slammed on the brakes, her  
51 car's left front struck the bus between the wheels and continued  
52 under the bus which crushed the car's left front and roof, and

53 WHEREAS, while Ms. Juettner suffered a knee and other minor  
54 injuries, Marcus Button, who was riding in the front passenger  
55 seat, sustained facial and skull fractures, brain damage, and  
56 bleeding and vision loss, and

57 WHEREAS, Mr. Kinne and his "relief" driver, Linda Bone,  
58 were the only people on the bus and were not seriously injured,  
59 and

60 WHEREAS, Marcus Button was airlifted to St. Joseph's  
61 Children's Hospital, where he spent three (3) weeks recovering,  
62 and then was transferred to Tampa General Hospital for  
63 rehabilitation for an additional six (6) weeks, and

64 WHEREAS, Marcus Button sustained severe, widespread  
65 neurologic systems damage, had to relearn how to walk and

## Amendment No. 1

66 currently cannot walk for any substantial length of time without  
67 pain, lost the use of his right eye, cannot look up or down with  
68 his left eye, and suffered facial fractures that twisted and  
69 left his face badly disfigured with one side of his face higher  
70 than the other, and

71 WHEREAS, as the operator of a school bus, Mr. Kinne had the  
72 duty to drive the bus in a safe manner and in accordance with  
73 Florida law, but he failed to do so, and

74 WHEREAS, in 2007, Marcus Button's parents, Mark Button and  
75 Robin Button, sued the Pasco County School Board for the harms  
76 and losses caused by the negligence of its employee, and,

77 WHEREAS, during the subsequent trial, a pediatric  
78 rehabilitation doctor and a neuropsychologist testified  
79 unopposed that, because of the crash injuries, Marcus Button  
80 will require 24-hour care, counseling, interventions, medical  
81 care, and medications for the remainder of his life to cope with  
82 his physical symptoms and to control his psychotic and  
83 delusional behavior from the crash injuries, and that Marcus  
84 Button continues to suffer crash-related memory loss, has  
85 trouble sleeping, and struggles to concentrate and stay on task,  
86 and

87 WHEREAS, an expert economist who testified unopposed at  
88 trial estimated Marcus Button's future care will cost between  
89 \$6,000,000.00 and \$10,000,000.00 and his inability to work will  
90 result in the loss of between \$365,000.00 and \$570,000.00 in

Amendment No. 1

91 wages over his lifetime, and

92 WHEREAS, the trial court ordered the Pasco County School  
93 Board to pay final judgments of \$1,380,967.39 to Marcus Button  
94 and \$289,396.85 to Mark Button, now deceased, and Robin Button,  
95 and

96 WHEREAS, the Pasco County School Board has paid \$163,000 of  
97 the \$200,000 statutory limit applicable at the time the claim  
98 arose pursuant to s. 768.28, Florida Statutes 2009, to Marcus  
99 Button and to Mark Button, now deceased, and Robin Button, as  
100 the surviving parent and natural guardian of Marcus Button, as  
101 partial compensation for the harms and losses caused by the  
102 crash, and

103 WHEREAS, since the judgments were entered, the Pasco County  
104 School Board did not appeal these judgments, and the parties  
105 have agreed to a total settlement in the amount of \$1,200,00.00  
106 to forever and completely relieve the Pasco County School Board  
107 of any and all further responsibility regarding the crash that  
108 occurred on September 22, 2006, NOW, THEREFORE,