

By Senator Simon

3-00125-25

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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 harms and losses he
5 sustained as a result of the negligence of an employee
6 of the Pasco County School Board; providing an
7 appropriation to Robin Button, as the surviving parent
8 and natural guardian of Marcus Button, for harms and
9 losses sustained as a result of the injury to her
10 child, Marcus Button; providing legislative intent for
11 the waiver of certain lien interests; providing a
12 limitation on the payment of compensation and attorney
13 fees; providing an effective date.

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

19 WHEREAS, as Ms. Juettner drove to school heading west on
20 State Road 54 in Pasco County, Mr. Button realized he had left
21 his wallet at home, and Ms. Juettner turned her Dodge Neon
22 subcompact car around and headed back to his home, and

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

28 WHEREAS, although Ms. Juettner slammed on the brakes, her
29 car's left front struck the bus between the wheels and continued

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30 under the bus, which crushed the car's left front and roof, and

31 WHEREAS, while Ms. Juettner suffered a knee injury and
32 other minor injuries, Mr. Button, who was riding in the front
33 passenger seat, sustained facial and skull fractures, brain
34 damage, and bleeding and vision loss, and

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

37 WHEREAS, Mr. 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 an additional 6
40 weeks of rehabilitation, and

41 WHEREAS, Mr. Button sustained severe, widespread neurologic
42 systems damage, had to relearn how to walk and currently cannot
43 walk for any substantial length of time without pain, lost the
44 use of his right eye, cannot look up or down with his left eye,
45 and suffered facial fractures that twisted and disfigured his
46 face badly and left one side of his face higher than the other,
47 and

48 WHEREAS, as a school bus operator, Mr. Kinne had the duty
49 to drive the bus in a safe manner and in accordance with Florida
50 law but failed to do so, and

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

54 WHEREAS, during the subsequent trial, a pediatric
55 rehabilitation doctor and a neuropsychologist testified
56 unopposed that, because of the crash injuries, Mr. Button would
57 require 24-hour care, counseling, interventions, medical care,
58 and medications for the remainder of his life to cope with his

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59 physical symptoms and to control his psychotic and delusional
60 behavior resulting from the crash injuries, and that Mr. Button
61 continues to suffer crash-related memory loss, has trouble
62 sleeping, and struggles to concentrate and stay on task, and

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

68 WHEREAS, the court allowed the school board attorneys to
69 submit evidence and argue before the jury that Mr. Button would
70 receive governmental benefits for future care and wages which
71 would reduce his future care damages needs, and

72 WHEREAS, the jury verdict award for past and future care
73 damages reflected the school board attorneys' arguments
74 concerning governmental benefits, and

75 WHEREAS, the trial court ordered the Pasco County School
76 Board to pay final judgments of \$1,380,967.39 to Marcus Button
77 and \$289,396.85 to his parents, Mark Button, now deceased, and
78 Robin Button, 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 Marcus
82 Button and to his parents, Mark Button, now deceased, and Robin
83 Button, as the surviving parent and natural guardian of Marcus
84 Button, as partial compensation for the harms and losses caused
85 by the crash, and

86 WHEREAS, since the judgments were entered, the Pasco County
87 School Board did not appeal these judgments, and the parties

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88 have agreed to a total settlement in the amount of \$1.2 million
89 to relieve, forever and completely, the Pasco County School
90 Board of any and all further responsibility regarding the crash
91 that occurred on September 22, 2006, NOW, THEREFORE,

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

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

97 Section 2. The Pasco County School Board is authorized and
98 directed to appropriate from funds of the school board not
99 otherwise encumbered and to draw a warrant in the sum of \$1
100 million made payable to a trust for the sole and exclusive
101 benefit of Marcus Button as compensation for harms and losses he
102 sustained due to the negligence of an employee of the Pasco
103 County School Board.

104 Section 3. The Pasco County School Board is authorized and
105 directed to appropriate from funds of the school board \$200,000
106 made payable to Robin Button, as the surviving parent and
107 natural guardian of Marcus Button, as compensation for harms and
108 losses sustained by her and Mark Button, now deceased, for
109 injuries to Marcus Button due to the negligence of an employee
110 of the Pasco County School Board.

111 Section 4. It is the intent of the Legislature that all
112 government liens, including Medicaid liens, resulting from the
113 treatment and care of Marcus Button for the occurrences
114 described in this act are waived and must be paid by the state.

115 Section 5. The amount paid by the Pasco County School Board
116 pursuant to s. 768.28, Florida Statutes 2009, and the amounts

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117 awarded under this act are intended to provide the sole
118 compensation for all past, present, and future claims arising
119 out of the crash that occurred on September 22, 2006, and the
120 factual situation described in this act which resulted in
121 injuries sustained by Marcus Button and his parents, Mark
122 Button, now deceased, and Robin Button. The total amount paid
123 for attorney fees relating to this claim may not exceed 25
124 percent of the total amounts awarded under this act.

125 Section 6. This act shall take effect upon becoming a law.