

20258er

1
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.
14

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

20258er

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

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

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

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

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

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

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

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

20258er

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

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

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

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

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

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

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

20258er

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,

92
93 Be It Enacted by the Legislature of the State of Florida:

94
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

20258er

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

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