

By Senator Posey

24-10-04

1 A bill to be entitled
2 An act relating to the Indian River County
3 School Board; providing for the relief of Ryan
4 Besancon, a minor, by and through his parents
5 and natural guardians, Mark and Laurie
6 Besancon, for injuries sustained due to the
7 negligence of the Indian River County School
8 Board; providing for the use of such funds;
9 providing an effective date.

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11 WHEREAS, on January 25, 1999, 5-year-old Ryan Besancon
12 was a passenger on a school bus owned by the Indian River
13 County School Board and operated by its employee, and

14 WHEREAS, the school bus driver failed to stop at a stop
15 sign located at the intersection of 45th Street and 66th
16 Avenue in Vero Beach, Florida, causing the bus to collide with
17 an eighteen-wheel tractor-trailer and resulting in serious and
18 life-threatening injuries to Ryan Besancon and numerous other
19 children on the school bus, as well as two deaths, and

20 WHEREAS, as the result of an extensive investigation by
21 state and federal officials, it was determined that the school
22 bus driver was solely responsible for the crash, and

23 WHEREAS, on January 26, 1999, Ryan's pediatrician noted
24 that Ryan's symptoms included two skull fractures, a complaint
25 of tilting of his head, apparent sixth-nerve palsy, and a
26 prominent right adrenal gland, and

27 WHEREAS, on November 3, 1999, Ryan Besancon presented
28 to Dr. Gary M. Weiss with symptoms that included almost daily
29 headaches, neck pain, significant pain in bilateral frontal
30 areas, nausea, dizziness, occasional blurred vision, loss of

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1 memory, a 10-percent hearing loss, and some decreased
2 concentration, and

3 WHEREAS, between December 8 and December 12, 1999, a
4 psychologist tested Ryan's neuropsychological functioning and
5 found that, although Ryan functioned intellectually in the
6 average range, he was experiencing significantly impaired
7 short-term memory functioning, in both verbal and visual
8 memory; he exhibited deficits in the area of attention and
9 concentration skills; he had significantly impaired
10 construction ability and perceptual processing, as well as
11 impaired short-term visual memory; he was experiencing a
12 significant level of psychopathology, consistent with a
13 diagnosis of Adjustment Disorder with Mixed Emotional
14 Features; and he had significant amounts of both depression
15 and anxiety, and

16 WHEREAS, the psychologist concluded that Ryan's
17 "impairments are directly related to his motor vehicle
18 accident," and

19 WHEREAS, a pediatric neurologist who examined him on
20 November 2, November 20, and November 27, 2001, found that a
21 motor exam revealed difficulty hopping on the right foot, that
22 rapid alternate movements were remarkable for mild synkinesia,
23 that there had been a base of skull fracture, and that Ryan
24 was sleep-deprived, and

25 WHEREAS, an EEG revealed a partial seizure disorder,
26 and Ryan has continued under the care of a neurologist, has
27 shown little change in his symptoms, and requires prescription
28 medication to control his brain seizure activity, and

29 WHEREAS, as a result of the injuries he sustained in
30 the accident, Ryan had to repeat 1 year of elementary school,
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1 has had great difficulty learning to read, and remains
2 emotionally and intellectually disadvantaged, and

3 WHEREAS, as the result of extensive mediation conducted
4 in the fall of 2002, Mark and Laurie Besancon entered into a
5 settlement agreement with the Indian River County School
6 District, and

7 WHEREAS, the terms of the settlement provided for
8 payment of the sum of \$70,000 as compensation for Ryan's
9 injuries, upon the passage of a claim bill authorizing such a
10 payment, which is a necessary prerequisite to the school
11 board's compensating Ryan because the maximum payments allowed
12 under section 768.28, Florida Statutes, have already been made
13 to other parties injured in the same accident, and

14 WHEREAS, the attorneys representing the Besancons have
15 waived all attorney's fees in order that a greater portion of
16 the settlement funds might benefit Ryan, NOW, THEREFORE,

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

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

22 Section 2. The Indian River County School Board is
23 authorized and directed to appropriate from funds of the
24 county not otherwise appropriated and to draw a warrant in the
25 amount of \$70,000, payable after July 1, 2003, to Mark and
26 Laurie Besancon, as parents and natural guardians of Ryan
27 Besancon, a minor, for injuries and damages sustained by Ryan
28 Besancon due to the negligence of the Indian River County
29 School Board. Such funds are to be deposited into a
30 guardianship account for the exclusive use and benefit of Ryan
31 Besancon.

1 Section 3. This act shall take effect upon becoming a
2 law.
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