

1 A bill to be entitled

2 An act relating to the Indian River County School Board;
3 providing for the relief of Ryan Besancon, a minor, by and
4 through his parents and natural guardians, Mark and Laurie
5 Besancon, for injuries sustained due to the negligence of
6 the Indian River County School Board; providing for the
7 use of such funds; providing for restrictions on the
8 expenditure of funds; providing an effective date.
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10 WHEREAS, on January 25, 1999, 5-year-old Ryan Besancon was
11 a passenger on a school bus owned by the Indian River County
12 School Board and operated by its employee, and

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

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

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

26 WHEREAS, on November 3, 1999, Ryan Besancon presented to
27 Dr. Gary M. Weiss with symptoms that included almost daily
28 headaches, neck pain, significant pain in bilateral frontal

29 areas, nausea, dizziness, occasional blurred vision, loss of
30 memory, a 10-percent hearing loss, and some decreased
31 concentration, and

32 WHEREAS, between December 8 and December 12, 1999, a
33 psychologist tested Ryan's neuropsychological functioning and
34 found that, although Ryan functioned intellectually in the
35 average range, he was experiencing significantly impaired short-
36 term memory functioning, in both verbal and visual memory; he
37 exhibited deficits in the area of attention and concentration
38 skills; he had significantly impaired construction ability and
39 perceptual processing, as well as impaired short-term visual
40 memory; he was experiencing a significant level of
41 psychopathology, consistent with a diagnosis of Adjustment
42 Disorder with Mixed Emotional Features; and he had significant
43 amounts of both depression and anxiety, and

44 WHEREAS, the psychologist concluded that Ryan's
45 "impairments are directly related to his motor vehicle
46 accident," and

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

53 WHEREAS, an EEG revealed a partial seizure disorder, and
54 Ryan has continued under the care of a neurologist, has shown
55 little change in his symptoms, and requires prescription
56 medication to control his brain seizure activity, and

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

61 WHEREAS, as the result of extensive mediation conducted in
62 the fall of 2002, Mark and Laurie Besancon entered into a
63 settlement agreement with the Indian River County School
64 District, and

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

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

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

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

80 Section 2. The Indian River County School Board is
81 authorized and directed to appropriate from funds of the school
82 board not otherwise appropriated and to draw a warrant in the
83 amount of \$70,000, payable after July 1, 2004, to Mark and
84 Laurie Besancon, as parents and natural guardians of Ryan

85 Besancon, a minor, for injuries and damages sustained by Ryan
86 Besancon due to the negligence of the Indian River County School
87 Board. Such funds are to be deposited into a guardianship
88 account for the exclusive use and benefit of Ryan Besancon. It
89 is the intent of the Legislature that no funds exceeding \$5,000
90 per calendar year appropriated herein subsequently be spent, or
91 any obligation thereof incurred by the guardian, without prior
92 order of the circuit court.

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