

ENROLLED  
HB 831, Engrossed 1

2004 Legislature

A bill to be entitled

An act relating to the Indian River County School Board; providing for the relief of Ryan Besancon, a minor, by and through his parents and natural guardians, Mark and Laurie Besancon, for injuries sustained due to the negligence of the Indian River County School Board; providing for the use of such funds; providing for restrictions on the expenditure of funds; providing an effective date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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