

STORAGE NAME: h0831.ju
DATE: March 4, 2004

Florida House of Representatives
Committee on Claims
Summary Claim Bill Report

Bill #: HB 831
Sponsor: Rep. Mayfield
Companion Bill: SB 20 by Sen. Posey
Special Master: Stephanie Birtman

A. Basic Information:

1. **Claimants:** Ryan Besancon, a minor, by and through his parents Mark and Laurie Besancon.
2. **Respondent:** Indian River County School Board
3. **Amount Requested:** \$70,000 in local funds.
4. **Type of Claim:** Equitable, based on a settlement agreement wherein the Indian River County School Board has agreed to pay the Besancon's \$70,000, to be deposited into a guardianship account for the exclusive use and benefit of Ryan Besancon.
5. **Respondent's Position:** The settlement agreement is silent as to the respondent's position.
6. **Collateral Sources:** Claimants have received \$25,000 from their uninsured motorist coverage; the carrier has waived any lien.
7. **Prior Legislative History:** None.

B. Attorney's fees and costs: The attorney has waived her fees in this case. Costs total \$12,060.05 and are inclusive in the settlement award.

C. Procedural Summary: Mark and Laurie Besancon, as parents and next friends of Ryan Besancon, filed suit against the Indian River County School Board for bodily injuries, pain and suffering, disability, disfigurement, mental anguish, loss of capacity, and past, permanent, and continuing medical expenses associated with the injuries. The School Board conceded liability; subsequent to court-ordered mediation, the parties entered into a settlement agreement (prior to trial) wherein the School Board agreed to pay a total of \$70,000, inclusive of attorney's fees and costs. The settlement agreement was approved by the court.

D. Facts of Case: On January 25, 1999, Ryan Besancon was a passenger on an Indian River County School bus traveling west bound on 45th Street, approaching 66th Avenue. At the same time, a 1996 tractor-trailer was traveling southbound on 66th Avenue, approaching the intersection. The bus driver failed to stop at the stop sign and collided with the tractor-trailer, killing the tractor-trailer driver (see Smith/Hughes/Truitt claim bill) and injuring 14 other children, one of whom died (see 2002-320, LOF, Dixon claim). Ryan, then age 5, suffered a skull fracture, hearing loss, crossed eyes, daily headaches, and seizures. Ryan's hearing has since returned, though he continues under the care of a neurologist and requires prescription medication to control his brain seizure activity.

SM: _____
Stephanie O. Birtman

Date: _____