

By Senator Braynon

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1 A bill to be entitled

2 An act for the relief of Javier Soria by Palm Beach
3 County; providing for an appropriation to compensate
4 Javier Soria for injuries sustained as a result of
5 negligence by an employee of Palm Beach County;
6 providing a limitation on the payment of fees and
7 costs; providing an effective date.

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9 WHEREAS, on April 17, 2007, 36-year-old Javier Soria was
10 lawfully traveling on his motorcycle northbound in the center
11 lane on SR 807 in West Palm Beach in the 220 block of South
12 Congress Avenue. At the same time, Juan Sepeda Casas, an
13 employee of Palm Beach County, was driving a Palm Beach County
14 dump truck with a utility trailer in tow, and

15 WHEREAS, as Mr. Casas exited the Palm Beach County
16 maintenance complex, he failed to stop at a stop sign, pulling
17 out into the path of Mr. Soria, causing a violent collision
18 between the two vehicles. The Palm Beach County truck continued
19 forward, dragging Javier Soria and the motorcycle under the dump
20 truck for approximately 12 feet, and

21 WHEREAS, Mr. Casas was charged in the accident by the
22 investigating law enforcement agency, the Delray Beach Police
23 Department, and

24 WHEREAS, as a result of the collision, Javier Soria
25 sustained severe head trauma, including a subarachnoid
26 hemorrhage, as well as a right elbow fracture, deep lacerations
27 requiring wound debridement, multiple abrasions to his face,
28 hands, legs, and arms, upper back pain, low back disc
29 herniation, left hip pain, right wrist pain, right shoulder

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30 pain, and a right knee linear tear that required bracing,
31 physical therapy, and surgery, and

32 WHEREAS, Mr. Soria has undergone numerous surgical
33 procedures, including irrigation debridement with placement of a
34 temporary external fixator across the elbow joint, subsequent
35 removal of the external fixator, and open reduction internal
36 ulnar fixation, and

37 WHEREAS, Mr. Soria needs additional surgery to his right
38 elbow, including elbow fusion or total elbow replacement, and
39 arthroscopic surgery to his right knee, and is a candidate for
40 total knee replacement in the future. He also faces surgery to
41 his right wrist and shoulder, and

42 WHEREAS, Javier Soria suffers from multiple neurological
43 injuries that cause chronic headaches, low back pain, vision
44 problems, sleep disturbance, depression, memory loss, anxiety,
45 dizziness, tiredness, buzzing in the ears, numbness, tingling,
46 and knee pain, which limits his routine daily activities, and

47 WHEREAS, according to American Medical Association
48 guidelines, Mr. Soria's treating neurologist, Dr. Waden Emery,
49 has assigned him a 34 percent impairment rating with 5 percent
50 for headaches, 14 percent for lumbar radiculopathy, 5 percent
51 for insomnia, and 10 percent for anxiety, and

52 WHEREAS, Mr. Soria's treating orthopedist, Dr. Fernando
53 Moya, has assigned him a 53 percent orthopedic disability
54 impairment rating, which includes 36 percent for injuries to the
55 right elbow, 6 percent for injuries to the right knee, 6 percent
56 for injuries to the lumbar spine, and 5 percent for injuries to
57 the right wrist, and

58 WHEREAS, Javier Soria's medical expenses totaled

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59 approximately \$200,254, experts in life care planning and
60 economics have determined that his future medical expenses are
61 approximately \$640,000, and past and future lost earnings total
62 approximately \$478,000, with total economic damages exceeding
63 \$1.3 million, and

64 WHEREAS, Javier Soria's injuries resulted in permanent
65 cognitive impairment, with the neuropsychological assessment of
66 Dr. Robert Brick concluding that Mr. Soria suffers from post-
67 traumatic stress disorder, memory loss, poor management and
68 organizational skills, mood swings, daily headaches, constant
69 ringing in his ears, insomnia, panic attacks, and amnesia that
70 require cognitive therapy, and

71 WHEREAS, Javier Soria continues to suffer from pain and
72 instability in his head, neck, back, body, and limbs. In
73 addition, he continues to suffer from severe depression brought
74 about by his pain, suffering, disability, and limitations, all
75 of which are a direct result of the accident, and

76 WHEREAS, before the accident, Javier Soria was in excellent
77 physical condition and had dreams of one day opening his own
78 martial arts studio and becoming a certified martial arts
79 instructor, and

80 WHEREAS, Mr. Soria's three children have a corresponding
81 right of action and claim given that he is now permanently
82 disabled with physical limitations and injuries and cognitive
83 restrictions and depression that limit his ability to provide
84 the companionship and support that he was once capable of
85 providing his family, and

86 WHEREAS, a settlement was reached between Javier Soria and
87 Palm Beach County in the amount of \$300,000, and

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88 WHEREAS, Palm Beach County has agreed to and pledged its
89 support for a claim bill in the amount of \$100,000, NOW,
90 THEREFORE,

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

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

96 Section 2. Palm Beach County is authorized and directed to
97 appropriate from funds of the county not otherwise appropriated
98 and to draw a warrant in the sum of \$100,000, payable to Javier
99 Soria as compensation for injuries and damages sustained.

100 Section 3. The amount paid by Palm Beach County pursuant to
101 s. 768.28, Florida Statutes, and the amount awarded under this
102 act are intended to provide the sole compensation for all
103 present and future claims against Palm Beach County arising out
104 of the factual situation described in this act which resulted in
105 the injuries to Javier Soria. The total amount paid for attorney
106 fees, lobbying fees, costs, and other similar expenses relating
107 to this claim may not exceed 25 percent of the total amount
108 awarded under this act.

109 Section 4. This act shall take effect upon becoming a law.