

By Senator Braynon

36-00120-14

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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.

8  
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, and

13          WHEREAS, at the same time, an employee of Palm Beach  
14          County, Juan Sepeda Casas, was driving a Palm Beach County dump  
15          truck with a utility trailer in tow, and

16          WHEREAS, as Mr. Casas exited the Palm Beach County  
17          maintenance complex, he failed to stop at a stop sign, pulling  
18          out into the path of Javier Soria and causing a violent  
19          collision between the two vehicles, and

20          WHEREAS, the Palm Beach County truck continued forward,  
21          dragging Javier Soria and the motorcycle under the dump truck  
22          for approximately 12 feet, and

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

26          WHEREAS, as a result of the collision, Javier Soria  
27          sustained severe head trauma, including a subarachnoid  
28          hemorrhage, a right-elbow fracture, deep lacerations requiring  
29          wound debridement, multiple abrasions to his face, hands, legs,

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30 and arms, upper-back pain, low-back disc herniation, left-hip  
31 pain, right-wrist pain, right-shoulder pain, and a right-knee  
32 linear tear that required bracing, physical therapy, and  
33 surgery, and

34 WHEREAS, Javier Soria has undergone numerous surgical  
35 procedures, including irrigation debridement with placement of a  
36 temporary external fixator across the elbow joint, subsequent  
37 removal of the external fixator, and open reduction internal  
38 fixation on ulnar fractures, and

39 WHEREAS, Javier Soria needs additional surgery to his right  
40 elbow, including elbow fusion or total elbow replacement;  
41 surgeries to his right wrist and shoulder; and arthroscopic  
42 surgery to his right knee; and is a candidate for total knee  
43 replacement in the future, and

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

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

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

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59 the right wrist, and

60 WHEREAS, Javier Soria's medical expenses have totaled  
61 approximately \$200,254, and experts in life care planning and  
62 economics have determined that his future medical expenses are  
63 approximately \$640,000, and past and future lost earnings total  
64 approximately \$478,000, with total economic damages exceeding  
65 \$1.3 million, and

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

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

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

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

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

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

93

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

95

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

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

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

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