

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
 2 Representative Raulerson offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

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

8 Section 2. Palm Beach County is authorized and directed to  
 9 appropriate from funds of the county not otherwise appropriated  
 10 and to draw a warrant in the sum of \$101,800, payable to Javier  
 11 Soria as compensation for injuries and damages sustained.

12 Section 3. The amount paid by Palm Beach County pursuant  
 13 to s. 768.28, Florida Statutes, and the amount awarded under  
 14 this act are intended to provide the sole compensation for all  
 15 present and future claims against Palm Beach County arising out  
 16 of the factual situation described in this act which resulted in  
 17 the injuries to Javier Soria. The total amount paid for attorney

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18 fees, lobbying fees, costs, and other similar expenses relating  
19 to this claim may not exceed 25 percent of the total amount  
20 awarded under this act.

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

22

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24 **T I T L E A M E N D M E N T**

25 Remove everything before the enacting clause and insert:  
26 An act for the relief of Javier Soria by Palm Beach County;  
27 providing for an appropriation to compensate him for injuries  
28 sustained as a result of negligence by an employee of Palm Beach  
29 County; providing a limitation on the payment of fees and costs;  
30 providing an effective date.

31

32 WHEREAS, on April 17, 2007, 36-year-old Javier Soria was  
33 lawfully traveling on his motorcycle northbound in the center  
34 lane on SR 807 in Delray Beach in the 200 block of South  
35 Congress Avenue, and

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

39 WHEREAS, as Mr. Casas exited the Palm Beach County  
40 maintenance complex, he failed to stop at a stop sign, pulling  
41 out into the path of Mr. Soria and causing a violent collision  
42 between the two vehicles, and

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43 WHEREAS, the Palm Beach County truck continued forward,  
44 dragging Mr. Soria and the motorcycle under the dump truck for  
45 approximately 12 feet, and

46 WHEREAS, Mr. Casas was charged in the accident by the  
47 investigating law enforcement agency, the Delray Beach Police  
48 Department, and

49 WHEREAS, as a result of the collision, Mr. Soria sustained  
50 severe head trauma, including a subarachnoid hemorrhage, a  
51 right-elbow fracture, deep lacerations requiring wound  
52 debridement, multiple abrasions to his face, hands, legs, and  
53 arms, upper-back pain, low-back disc herniation, left-hip pain,  
54 right-wrist pain, right-shoulder pain, and a right-knee linear  
55 tear that required bracing, physical therapy, and surgery, and

56 WHEREAS, Mr. Soria has undergone numerous surgical  
57 procedures, including irrigation debridement with placement of a  
58 temporary external fixator across the elbow joint, subsequent  
59 removal of the external fixator, and open reduction internal  
60 fixation on ulnar fractures, and

61 WHEREAS, Mr. Soria needs additional surgery to his right  
62 elbow, including elbow fusion or total elbow replacement;  
63 surgeries to his right wrist and shoulder; and arthroscopic  
64 surgery to his right knee; and is a candidate for total knee  
65 replacement in the future, and

66 WHEREAS, Mr. Soria suffers from multiple neurological  
67 injuries that cause chronic headaches, low-back pain, vision  
68 problems, sleep disturbance, depression, memory loss, anxiety,

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69 dizziness, tiredness, buzzing in the ears, numbness, tingling,  
70 and knee pain, which limit his routine daily activities, and

71 WHEREAS, according to American Medical Association  
72 guidelines, Mr. Soria's treating neurologist, Dr. Waden Emery,  
73 has assigned him a 31 percent impairment rating with 5 percent  
74 for headaches, 14 percent for lumbar radiculopathy, 5 percent  
75 for insomnia, and 10 percent for anxiety, and

76 WHEREAS, Mr. Soria's treating orthopedist, Dr. Fernando  
77 Moya, has assigned him a 39 percent whole person orthopedic  
78 disability impairment rating, which includes 36 percent for  
79 injuries to the right elbow, 6 percent for injuries to the right  
80 knee, 6 percent for injuries to the lumbar spine, and 5 percent  
81 for injuries to the right wrist, and

82 WHEREAS, Mr. Soria's medical expenses have totaled  
83 approximately \$200,254, and experts in life care planning and  
84 economics have determined that his future medical expenses are  
85 approximately \$640,000, and past and future lost earnings total  
86 approximately \$478,000, with total economic damages exceeding  
87 \$1.3 million, and

88 WHEREAS, Mr. Soria's injuries resulted in permanent  
89 cognitive impairment, with the neuropsychological assessment of  
90 Dr. Robert Brick concluding that Mr. Soria suffers from post-  
91 traumatic stress disorder, memory loss, poor management and  
92 organizational skills, mood swings, daily headaches, constant  
93 ringing in his ears, insomnia, panic attacks, and amnesia that  
94 require cognitive therapy, and

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95 WHEREAS, Mr. Soria continues to suffer from pain and  
96 instability in his head, neck, back, body, and limbs and, in  
97 addition, continues to suffer from severe depression brought  
98 about by his pain, suffering, disability, and limitations, all  
99 of which are a direct result of the accident, and

100 WHEREAS, before the accident, Mr. Soria was in excellent  
101 physical condition and had dreams of one day opening his own  
102 martial arts studio and becoming a certified martial arts  
103 instructor, and

104 WHEREAS, Mr. Soria's three children have a corresponding  
105 right of action and claim given that Mr. Soria is now  
106 permanently disabled with physical limitations and injuries and  
107 cognitive restrictions and depression that limit his ability to  
108 provide the companionship and support that he was once capable  
109 of providing his family, and

110 WHEREAS, a settlement was reached between Mr. Soria, his  
111 three children, and Palm Beach County in the amount of \$300,000,  
112 which is in addition to an \$1,800 property damage claim  
113 previously paid by Palm Beach County related to the accident,  
114 and

115 WHEREAS, Palm Beach County paid the claimants a total of  
116 \$200,000 under the statutory limits of liability per occurrence  
117 set forth in s. 768.28, Florida Statutes, which fully satisfied  
118 the loss of consortium claims of each of the three children, and

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 3547 (2015)

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119 WHEREAS, Palm Beach County has agreed to and pledged its  
120 support for a claim bill in the amount of \$101,800, NOW,  
121 THEREFORE,  
122