

HB 3547

2015

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 him for injuries sustained as a result of negligence
5 by an employee of Palm Beach County; providing a
6 limitation on the payment of fees and costs; providing
7 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, 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 Mr. Soria and causing a violent collision
19 between the two vehicles, and

20 WHEREAS, the Palm Beach County truck continued forward,
21 dragging Mr. Soria and the motorcycle under the dump truck for
22 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, Mr. Soria sustained

27 | severe head trauma, including a subarachnoid hemorrhage, a
28 | right-elbow fracture, deep lacerations requiring wound
29 | debridement, multiple abrasions to his face, hands, legs, and
30 | arms, upper-back pain, low-back disc herniation, left-hip pain,
31 | right-wrist pain, right-shoulder pain, and a right-knee linear
32 | tear that required bracing, physical therapy, and surgery, and

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

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

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

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

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

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

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

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

77 WHEREAS, before the accident, Mr. Soria was in excellent
78 physical condition and had dreams of one day opening his own

79 martial arts studio and becoming a certified martial arts
 80 instructor, and

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

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

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

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

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

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

101 Section 3. The amount paid by Palm Beach County pursuant
 102 to s. 768.28, Florida Statutes, and the amount awarded under
 103 this act are intended to provide the sole compensation for all
 104 present and future claims against Palm Beach County arising out

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105 of the factual situation described in this act which resulted in
106 the injuries to Javier Soria. The total amount paid for attorney
107 fees, lobbying fees, costs, and other similar expenses relating
108 to this claim may not exceed 25 percent of the total amount
109 awarded under this act.

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