

By Senator Braynon

36-00011-15

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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       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.

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 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

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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

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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

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