

HB 3515

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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

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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,
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

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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
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

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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

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
 97 are 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

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101 Soria as compensation for injuries and damages sustained.

102 Section 3. The amount paid by Palm Beach County pursuant
103 to s. 768.28, Florida Statutes, and the amount awarded under
104 this 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.