

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 Delray Beach in the 200 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 31 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 39 percent whole person orthopedic  
55 disability impairment rating, which includes 36 percent for  
56 injuries to the right elbow, 6 percent for injuries to the right  
57 knee, 6 percent for injuries to the lumbar spine, and 5 percent  
58 for injuries to 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, his  
 88 three children, and Palm Beach County in the amount of \$300,000,  
 89 which is in addition to an \$1,800 property damage claim  
 90 previously paid by Palm Beach County related to the accident,  
 91 and

92 WHEREAS, Palm Beach County paid the claimants a total of  
 93 \$200,000 under the statutory limits of liability per occurrence  
 94 set forth in s. 768.28, Florida Statutes, which fully satisfied  
 95 the loss of consortium claims of each of the three children, and

96 WHEREAS, Palm Beach County has agreed to and pledged its  
 97 support for a claim bill in the amount of \$101,800, NOW,  
 98 THEREFORE,

99

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

101

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

104 Section 2. Palm Beach County is authorized and directed to

105 appropriate from funds of the county not otherwise appropriated  
106 and to draw a warrant in the sum of \$101,800, payable to Javier  
107 Soria as compensation for injuries and damages sustained.

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

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