

## CHAPTER 2015-216

### Committee Substitute for House Bill No. 3547

An act for the relief of Javier Soria by Palm Beach County; providing for an appropriation to compensate him for injuries sustained as a result of negligence by an employee of Palm Beach County; providing a limitation on the payment of fees and costs; providing an effective date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor June 11, 2015.

Filed in Office Secretary of State June 11, 2015.