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2           An act for the relief of Elizabeth Schnell and  
3           Frederick Schnell; providing an appropriation  
4           to compensate them for injuries and damages  
5           sustained as a result of the negligence of the  
6           Department of Highway Safety and Motor  
7           Vehicles; providing an effective date.

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9           WHEREAS, at 7:15 a.m. on January 25, 1997, Frederick  
10          Schnell was operating his motor vehicle, in which his wife  
11          Elizabeth Schnell was a passenger, westbound on State Road 60  
12          approximately 1 mile west of Interstate 95 in Indian River  
13          County, and

14                 WHEREAS, Mr. Schnell was traveling at the posted speed  
15          limit of 55 miles per hour, and

16                 WHEREAS, Trooper Wayne Titus was traveling eastbound on  
17          State Road 60 and, for unknown reasons, Trooper Titus abruptly  
18          changed lanes and collided head-on with the Schnell vehicle,  
19          and

20                 WHEREAS, Trooper Titus was traveling approximately 71  
21          miles per hour at the point of impact, and

22                 WHEREAS, the circuit court judge ruled as a matter of  
23          law that the Department of Highway Safety and Motor Vehicles  
24          was responsible for Mr. and Mrs. Schnell's injuries and  
25          damages, and

26                 WHEREAS, Mr. Schnell suffered extensive physical  
27          injuries, and

28                 WHEREAS, Mr. Schnell continued medical treatment for  
29          his physical injuries through April 21, 1997, then  
30          discontinued treatment because of the necessity to be with his  
31          wife, and

1           WHEREAS, Mr. Schnell has undergone, and continues to  
2 undergo, psychiatric treatment and counseling for a permanent  
3 psychiatric injury resulting from the accident, and

4           WHEREAS, Mrs. Schnell was transported by helicopter  
5 from the scene of the accident to Holmes Regional Medical  
6 Center in Melbourne, where she underwent emergency, lifesaving  
7 surgery to ameliorate a catastrophic brain injury sustained in  
8 the accident, and she subsequently underwent four additional  
9 surgeries during her hospitalization, and

10           WHEREAS, on March 3, 1997, Mrs. Schnell, who was  
11 semicomatose, was transferred to Orlando Regional Medical  
12 Center, Sandlake Hospital, and

13           WHEREAS, at Sandlake Hospital, Mrs. Schnell began  
14 speech, occupational, and physical therapy and underwent  
15 another major surgical procedure, and

16           WHEREAS, while hospitalized in Orlando, Mrs. Schnell  
17 was declared by the court to be an incapacitated person, and  
18 her husband was appointed her legal guardian, and

19           WHEREAS, on June 24, 1997, Mrs. Schnell was transferred  
20 to Healthsouth Treasure Coast Rehabilitation Hospital in Vero  
21 Beach and was later transferred to Florida Institute for  
22 Neurologic Rehabilitation in Wauchula, Florida, and

23           WHEREAS, she presently requires care 24 hours a day,  
24 must use a wheelchair, has paralysis of her right side, has  
25 moderate loss of her short-term memory, and requires  
26 assistance in all her daily activities, and

27           WHEREAS, Mrs. Schnell's doctors and case managers  
28 recommend that, upon discharge from the Florida Institute, she  
29 be transferred to the home environment and cared for there,  
30 with the aid of attendants and residential services, and

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1 continual lifetime speech, occupational, and physical  
2 therapies, and

3 WHEREAS, before the accident, Mrs. Schnell was a  
4 41-year-old attorney who also had a bachelor's degree and one  
5 master's degree, and was working toward a second master's  
6 degree, and

7 WHEREAS, after 7 days of trial, a jury awarded Mrs.  
8 Schnell \$875,446 for past medical bills and lost wages,  
9 \$9,331,774 for future medical bills and lost wages, \$1 million  
10 for past pain and suffering, and \$5 million for future pain  
11 and suffering, for a total award of \$16,207,220, and

12 WHEREAS, the jury also awarded Mr. Schnell \$41,159 for  
13 past medical bills and lost wages and \$4,171 for future lost  
14 wages, \$500,000 for past pain and suffering and \$1 million for  
15 future pain and suffering, and damages for the loss of his  
16 wife's consortium in the amount of \$500,000 for past loss and  
17 \$1 million for the future, for a total award of \$3,045,330,  
18 and,

19 WHEREAS, after the jury's verdict was entered, the  
20 trial judge ordered a remittitur, reducing the award to Mrs.  
21 Schnell to \$14,784,089 and reducing the award to Mr. Schnell  
22 to \$2,227,468.84, and

23 WHEREAS, the Department of Highway Safety and Motor  
24 Vehicles has paid a total of \$200,000 to the claimants under  
25 section 768.28, Florida Statutes, Florida's sovereign immunity  
26 law, and

27 WHEREAS, after final judgment was entered, the parties  
28 agreed to settle all outstanding claims in this matter for  
29 \$9,750,000, to be paid to the claimants pursuant to a claim  
30 bill, and

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1           WHEREAS, the \$9,750,000 settlement amount will be  
2 apportioned as follows: for Elizabeth Schnell in the amount of  
3 \$8,473,349.07 and for Frederick Schnell in the amount of  
4 \$1,276,650.93, and

5           WHEREAS, the Legislature has generally favored  
6 structured payments and guaranteed term annuities in large  
7 claims and in claims on behalf of those who have suffered  
8 serious or permanent injuries that are likely to require  
9 substantial or long-term medical care, NOW, THEREFORE,

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

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

15           Section 2. The sum of \$8,473,349.07 is appropriated  
16 out of the funds in the State Treasury to the credit of the  
17 Department of Highway Safety and Motor Vehicles to be paid to  
18 Elizabeth Schnell as relief for her losses. After the payment  
19 of fees and costs, medical bills and other immediate needs,  
20 the remaining proceeds shall be used to purchase an  
21 appropriate structured financial plan to ensure the continued  
22 medical care of Mrs. Schnell. In the event of Mrs. Schnell's  
23 death within twenty years of the date of the enactment of this  
24 bill, the residual monies in the structured financial plan  
25 shall revert to the General Revenue Fund of the State of  
26 Florida. If Mrs. Schnell's death occurs after twenty years of  
27 the date of the enactment of this bill, then the residual  
28 monies in the structured financial plan shall inure to the  
29 benefit of Mrs. Schnell's estate. In the event Mrs. Schnell  
30 dies prior to twenty years from the date of the enactment of

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1 this bill, then her estate shall be entitled to two additional  
2 years of payments pursuant to the structured financial plan.

3           Section 3. The sum of \$1,276,650.93 is appropriated  
4 out of the State Treasury to the credit of the Department of  
5 Highway Safety and Motor Vehicles to be paid to Frederick  
6 Schnell as relief for his losses.

7           Section 4. The Comptroller is directed to draw a  
8 warrant in favor of Elizabeth Schnell in the sum of  
9 \$8,473,349.07 and to draw a warrant in favor of Frederick  
10 Schnell in the sum of \$1,276,650.93, upon funds in the State  
11 Treasury to the credit of the Department of Highway Safety and  
12 Motor Vehicles, and the State Treasurer is directed to pay the  
13 same out of such funds.

14           Section 5. This act shall take effect upon becoming a  
15 law.

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