

By Representative Sembler

1 A bill to be entitled
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 and the Florida Highway Patrol were responsible for Mr. and
25 Mrs. Schnell's injuries and 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, NOW, THEREFORE,

23
24 Be It Enacted by the Legislature of the State of Florida:

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

28 Section 2. The Executive Office of the Governor is
29 directed to transfer existing spending authority from
30 unappropriated trust fund balances in the Department of
31 Highway Safety and Motor Vehicles in the amount of \$14,784,089

1 to a new category titled "Relief - Elizabeth Schnell" as
2 relief for injuries and damages sustained. Such amount shall
3 be paid in addition to the \$100,000 payable pursuant to
4 section 768.28, Florida Statutes, Florida's sovereign immunity
5 statute.

6 Section 3. The Executive Office of the Governor is
7 directed to transfer existing spending authority from
8 unappropriated trust fund balances in the Department of
9 Highway Safety and Motor Vehicles in the amount of
10 \$2,227,468.84 to a new category titled "Relief - Frederick
11 Schnell" as relief for injuries and damages sustained. Such
12 amount shall be paid in addition to the \$100,000 payable
13 pursuant to section 768.28, Florida Statutes, Florida's
14 sovereign immunity statute.

15 Section 4. The Comptroller is directed to draw his
16 warrant in favor of Elizabeth Schnell in the sum of
17 \$14,784,089 upon funds of the Department of Highway Safety and
18 Motor Vehicles in the State Treasury and the State Treasurer
19 is directed to pay the same out of such funds in the State
20 Treasury.

21 Section 5. The Comptroller is directed to draw his
22 warrant in favor of Frederick Schnell in the sum of
23 \$2,227,468.84 upon funds of the Department of Highway Safety
24 and Motor Vehicles in the State Treasury and the State
25 Treasurer is directed to pay the same out of such funds in the
26 State Treasury.

27 Section 6. This act shall take effect upon becoming a
28 law.

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HOUSE SUMMARY

Provides for an appropriation from funds of the Department of Highway Safety and Motor Vehicles to provide relief for Elizabeth Schnell and her husband, Frederick Schnell, for injuries and damages sustained in an automobile accident attributed to the negligence of the department.