

By Representative Cantens

1 A bill to be entitled
2 An act for the relief of Minouche Noel, a
3 minor, and Jean and Flora Noel, parents and
4 natural guardians of Minouche Noel; providing
5 an appropriation to compensate Minouche Noel, a
6 minor, and Jean and Flora Noel, parents and
7 natural guardians of Minouche Noel,
8 individually, for injuries and damages
9 sustained due to the negligence of Children's
10 Medical Services of the former Department of
11 Health and Rehabilitative Services; providing
12 an effective date.

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14 WHEREAS, Minouche Noel was born February 15, 1988, and
15 soon after was diagnosed as having "a possible meningocele,
16 questionable other lesion, with spina bifida," and

17 WHEREAS, on July 15, 1988, Minouche Noel underwent
18 surgery and, following the surgery and throughout her hospital
19 stay, seemed able to move her legs, and

20 WHEREAS, from January 1989 until May 1989, Minouche
21 Noel's parents repeatedly sought help from the doctors and
22 staff at the Children's Medical Services clinic because of her
23 increasing difficulty in walking, and

24 WHEREAS, on May 16, 1989, the same doctor who
25 originally operated on Minouche Noel's spine operated again,
26 and, after that operation, Minouche Noel never walked again,
27 and

28 WHEREAS, at trial, it was found that the first
29 operation on Minouche Noel's spine had not been necessary and
30 that the surgeon had performed the surgery below the minimum
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1 acceptable standard of care and had caused Minouche Noel to
2 lose all function in her legs and bladder, and

3 WHEREAS, the jury found that Children's Medical
4 Services had been negligent and that the negligence
5 constituted 100 percent of the legal cause of injury or damage
6 to Minouche Noel, and

7 WHEREAS, on March 25, 1999, the jury awarded damages in
8 the amount of \$6,500,000 to Minouche Noel, a minor, and
9 damages in the amount of \$2,000,000 to Jean and Flora Noel,
10 parents and natural guardians of Minouche Noel, and

11 WHEREAS, \$200,000 has been paid in accordance with the
12 provisions of section 768.28, Florida Statutes, NOW,

13 THEREFORE,

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

16
17 Section 1. The facts stated in the preamble to this
18 act are found and declared to be true.

19 Section 2. The sum of \$6,500,000 is appropriated out
20 of funds in the State Treasury to the credit of the Department
21 of Health, as successor to the Department of Health and
22 Rehabilitative Services, to be paid to Jean and Flora Noel, as
23 parents and legal guardians of Minouche Noel, a minor, for the
24 benefit of Minouche Noel, as relief for injuries and damages
25 sustained.

26 Section 3. The sum of \$2,000,000, is appropriated out
27 of funds in the State Treasury to the credit of the Department
28 of Health, as successor agency to the former Department of
29 Health and Rehabilitative Services, and not otherwise
30 appropriated to be paid to Jean and Flora Noel, individually,
31 as relief for injuries and damages sustained.

