

By Senator Campbell

33-17-01

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A bill to be entitled
An act relating to the Department of Health;
providing for the relief of Minouche Noel, a
minor, and her parents and natural guardians,
Jean and Flora Noel, for injuries sustained due
to the negligence of Children's Medical
Services of the Department of Health and
Rehabilitative Services; providing an effective
date.

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

WHEREAS, on July 15, 1988, Minouche was operated on
and, following the surgery and throughout her hospital stay,
seemed able to move her legs, and

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

WHEREAS, on May 16, 1989, the same doctor who
originally operated on her spine operated again, and, after
that operation, Minouche never walked again, and

WHEREAS, at trial, it was found that the first
operation had not been necessary and that the surgeon had
performed the surgery below the minimum acceptable standard of
care and had caused Minouche to lose all function in her legs
and bladder, and

WHEREAS, the jury found that Children's Medical
Services had been negligent and that the negligence

1 constituted 100 percent of the legal cause of injury or damage
2 to Minouche Noel, and

3 WHEREAS, on March 25, 1999, the jury awarded damages in
4 the amount of \$6.5 million to Minouche Noel, a minor, and
5 damages in the amount of \$2 million to Jean and Flora Noel,
6 her parents and natural guardians, NOW, THEREFORE,

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

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

12 Section 2. The sum of \$6.5 million, with accrued
13 interest at the legally allowable rate per annum since March
14 25, 1999, is appropriated out of funds in the State Treasury
15 to the credit of the Department of Health, as successor to the
16 Department of Health and Rehabilitative Services, to be paid
17 to Minouche Noel, a minor, as relief for her losses; and the
18 sum of \$2 million plus accrued interest is appropriated out of
19 such funds to be paid to Jean and Flora Noel, parents and
20 natural guardians of Minouche Noel, as relief for their
21 losses.

22 Section 3. The Comptroller is directed to draw a
23 warrant in favor of Jean and Flora Noel in the sum of \$8.5
24 million dollars plus accrued interest at the legally allowable
25 rate per annum since March 25, 1999, of which \$6.5 million
26 plus applicable interest is for the benefit of Minouche Noel,
27 minor child of Jean and Flora Noel, and \$2 million plus
28 applicable interest is for the benefit of Jean and Flora Noel,
29 upon funds in the State Treasury to the credit of the
30 Department of Health, and the Treasurer is directed to pay the
31 same out of such funds.

