

By Senator Campbell

33-62-02

1 A bill to be entitled
2 An act relating to the Department of Health;
3 providing for the relief of Minouche Noel, a
4 minor, and her parents and natural guardians,
5 Jean and Flora Noel, for injuries sustained due
6 to the negligence of Children's Medical
7 Services of the Department of Health and
8 Rehabilitative Services; providing for the use
9 of such funds; providing for a reversion to the
10 state; providing an effective date.

11
12 WHEREAS, Minouche Noel was born February 15, 1988, and
13 soon after was diagnosed as having "a possible meningocele,
14 questionable other lesion, with spina bifida," and

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

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

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

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

30 WHEREAS, the jury found that Children's Medical
31 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,

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. The facts stated in the preamble to this
11 act are found and declared to be true.

12 Section 2. There is appropriated from the General
13 Revenue Fund to the Department of Health, as successor to the
14 Department of Health and Rehabilitative Services:

15 (1) The sum of \$6.5 million, for the relief of
16 Minouche Noel, a minor, for injuries and damages sustained;
17 and

18 (2) The sum of \$2 million, for the relief of Jean and
19 Flora Noel, parents and natural guardians of Minouche Noel,
20 for injuries and damages sustained.

21 Section 3. (1) The Comptroller is directed to draw a
22 warrant in favor of Jean and Flora Noel in the sum of \$8.5
23 million, of which \$6.5 million is for the benefit of Minouche
24 Noel, minor child of Jean and Flora Noel, and \$2 million is
25 for the benefit of Jean and Flora Noel, upon funds of the
26 Department of Health in the State Treasury, and the State
27 Treasurer is directed to pay the same out of such funds in the
28 State Treasury.

29 (2) The \$6.5 million designated for the benefit of
30 Minouche Noel shall be used to pay statutory fees, costs,
31 outstanding medical liens, and other immediate needs, and the

1 remaining funds shall be placed into a special needs trust
2 created for the use and benefit of Minouche Noel. Any funds
3 remaining in the special needs trust at Minouche Noel's death
4 after the payment of any outstanding Medicaid liens shall
5 revert to the General Revenue Fund of the State of Florida.

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

8

9

10

SENATE SUMMARY

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

Provides an appropriation, out of funds allocated to the Department of Health, for the relief of Minouche Noel, a minor, and of Jean and Flora Noel, her parents and natural guardians, for injuries caused by the negligence of the Children's Medical Services of the Department of Health and Rehabilitative Services, predecessor of the Department of Health.