

By the Committee on Finance and Taxation; and Senator Campbell

314-2153-02

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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 for the use of such funds; providing for a reversion to the state; 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 is appropriated out
13 of funds in the State Treasury to the credit of the Department
14 of Health as successor to the Department of Health and
15 Rehabilitative Services, to be paid to Jean and Flora Noel, as
16 legal guardians of Minouche Noel, a minor, as relief for her
17 losses; and the sum of \$2 million is appropriated out of funds
18 in the State Treasury to the credit of the Department of
19 Health to be paid to Jean and Flora Noel, parents and natural
20 guardians of Minouche Noel, as relief for their losses.

21 Section 3. 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 in the
26 State Treasury to the credit of the Department of Health, and
27 the Treasurer is directed to pay the same out of such funds.
28 The \$6.5 million designated for the benefit of Minouche Noel
29 shall be used to pay statutory fees, costs, outstanding
30 medical liens, and other immediate needs, and the remaining
31 funds shall be placed into a special needs trust created for

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

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

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8 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
9 COMMITTEE SUBSTITUTE FOR
10 SB 4

11 The committee substitute appropriates funds from the State
12 Treasury to the credit of the Department of Health to pay the
13 claims, rather than funds from General Revenue.

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