

By Representative Greenstein

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 for the use of funds; providing for reversion
13 of funds to the state; providing an effective
14 date.

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

20 WHEREAS, on July 15, 1988, Minouche Noel underwent
21 surgery and, following the surgery and throughout her hospital
22 stay, seemed able to move her legs, and

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

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

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

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

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

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

16 THEREFORE,

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

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

22 Section 2. There is appropriated from the General
23 Revenue Fund to the Department of Health, as successor to the
24 Department of Health and Rehabilitative Services, the sum of
25 \$6,500,000 to be paid to Jean and Flora Noel, as parents and
26 legal guardians of Minouche Noel, a minor, for the benefit of
27 Minouche Noel, as relief for injuries and damages sustained.
28 After payment of statutory fees, costs, outstanding medical
29 liens, and other immediate needs, the remaining funds shall be
30 placed into a special needs trust created for the use and
31 benefit of Minouche Noel. Any funds remaining in the special

1 needs trust upon the death of Minouche Noel, after the payment
2 of any outstanding Medicaid liens, shall revert to the General
3 Revenue Fund of the State of Florida.

4 Section 3. There is appropriated from the General
5 Revenue Fund to the Department of Health, as successor to the
6 Department of Health and Rehabilitative Services, the sum of
7 \$2,000,000 for the relief of Jean and Flora Noel,
8 individually, as relief for injuries and damages sustained.

9 Section 4. The Comptroller is directed to draw a
10 warrant in favor of Jean and Flora Noel, as parents and legal
11 guardians of Minouche Noel, a minor, in the sum of \$6,500,000
12 for the benefit of Minouche Noel, minor child of Jean and
13 Flora Noel, upon funds in the State Treasury to the credit of
14 the Department of Health and the State Treasurer is directed
15 to pay the same out of such funds in the State Treasury not
16 otherwise appropriated.

17 Section 5. The Comptroller is directed to draw a
18 warrant in favor of Jean and Flora Noel, individually, in the
19 sum of \$2,000,000 upon funds in the State Treasury to the
20 credit of the Department of Health and the State Treasurer is
21 directed to pay the same out of such funds in the State
22 Treasury not otherwise appropriated.

23 Section 6. This act shall take effect upon becoming a
24 law.
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27 LEGISLATIVE SUMMARY

28 Provides an appropriation of \$8.5 million, out of funds
29 allocated to the Department of Health, for the relief of
30 Minouche Noel, a minor, and of Jean and Flora Noel, her
31 parents and natural guardians, for injuries caused by the
 negligence of Children's Medical Services of the former
 Department of Health and Rehabilitative Services,
 predecessor of the Department of Health.