



HB 0183

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A bill to be entitled  
 An act for the relief of Minouche Noel, a minor, and Jean and Flora Noel, parents and natural guardians of Minouche Noel; providing an appropriation to compensate Minouche Noel, a minor, and Jean and Flora Noel, parents and natural guardians of Minouche Noel, individually, for injuries and damages sustained due to the negligence of Children's Medical Services of the former Department of Health and Rehabilitative Services; providing for the use of funds; providing for reversion of funds to the state; providing an effective date.

WHEREAS, Minouche Noel was born on 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 Noel underwent surgery and, following the surgery and throughout her hospital stay, seemed able to move her legs, and

WHEREAS, from January 1989 until May 1989, Minouche Noel'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 Minouche Noel's spine operated again, and, after that operation, Minouche Noel never walked again, and

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



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31 WHEREAS, the jury found that Children's Medical Services  
 32 had been negligent and that the negligence constituted 100  
 33 percent of the legal cause of injury or damage to Minouche Noel,  
 34 and

35 WHEREAS, on March 25, 1999, the jury awarded damages in the  
 36 amount of \$6,500,000 to Minouche Noel, a minor, and damages in  
 37 the amount of \$2,000,000 to Jean and Flora Noel, parents and  
 38 natural guardians of Minouche Noel, and

39 WHEREAS, \$200,000 has been paid in accordance with the  
 40 provisions of s. 768.28, Florida Statutes, NOW, THEREFORE,

41  
 42 Be It Enacted by the Legislature of the State of Florida:

43  
 44 Section 1. The facts stated in the preamble to this act  
 45 are found and declared to be true.

46 Section 2. There is appropriated from the General Revenue  
 47 Fund to the Department of Health, as successor to the Department  
 48 of Health and Rehabilitative Services, the sum of \$6,500,000 to  
 49 be paid to Jean and Flora Noel, as parents and legal guardians  
 50 of Minouche Noel, a minor, for the benefit of Minouche Noel, as  
 51 relief for injuries and damages sustained. After payment of  
 52 statutory fees, costs, outstanding medical liens, and other  
 53 immediate needs, the remaining funds shall be placed into a  
 54 special needs trust created for the use and benefit of Minouche  
 55 Noel. Any funds remaining in the special needs trust upon the  
 56 death of Minouche Noel, after the payment of any outstanding  
 57 Medicaid liens, shall revert to the General Revenue Fund of the  
 58 State of Florida.

59 Section 3. There is appropriated from the General Revenue  
 60 Fund to the Department of Health, as successor to the Department



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61 of Health and Rehabilitative Services, the sum of \$2,000,000 for  
 62 the relief of Jean and Flora Noel, individually, as relief for  
 63 injuries and damages sustained.

64 Section 4. The Chief Financial Officer is directed to draw  
 65 a warrant in favor of Jean and Flora Noel, as parents and legal  
 66 guardians of Minouche Noel, a minor, in the sum of \$6,500,000  
 67 for the benefit of Minouche Noel, minor child of Jean and Flora  
 68 Noel, upon funds in the State Treasury to the credit of the  
 69 Department of Health and the State Treasurer is directed to pay  
 70 the same out of such funds in the State Treasury not otherwise  
 71 appropriated.

72 Section 5. The Chief Financial Officer is directed to draw  
 73 a warrant in favor of Jean and Flora Noel, individually, in the  
 74 sum of \$2,000,000 upon funds in the State Treasury to the credit  
 75 of the Department of Health and the State Treasurer is directed  
 76 to pay the same out of such funds in the State Treasury not  
 77 otherwise appropriated.

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