

By Senator Campbell

32-106-06

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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 of 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 appropriation; 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 underwent surgery 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

1           WHEREAS, the jury found that Children's Medical  
2 Services had been negligent and that the negligence  
3 constituted 100 percent of the legal cause of injury or damage  
4 to Minouche Noel, and

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

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

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

14           Section 2. The sum of \$6.5 million is appropriated out  
15 of funds in the State Treasury to the credit of the Department  
16 of Health as successor to the Department of Health and  
17 Rehabilitative Services, to be paid to Jean and Flora Noel, as  
18 legal guardians of Minouche Noel, a minor, as relief for her  
19 losses; and the sum of \$2 million is appropriated out of funds  
20 in the State Treasury to the credit of the Department of  
21 Health to be paid to Jean and Flora Noel, parents and natural  
22 guardians of Minouche Noel, as relief for their losses.

23           Section 3. The Chief Financial Officer is directed to  
24 draw a warrant in favor of Jean and Flora Noel in the sum of  
25 \$8.5 million, of which \$6.5 million is for the benefit of  
26 Minouche Noel, minor child of Jean and Flora Noel, and \$2  
27 million is for the benefit of Jean and Flora Noel, upon funds  
28 in the State Treasury to the credit of the Department of  
29 Health, and the Chief Financial Officer is directed to pay the  
30 same out of such funds. The \$6.5 million designated for the  
31 benefit of Minouche Noel shall be used to pay statutory fees,

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

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

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SENATE SUMMARY

Provides an appropriation for the relief of Minouche Noel, a minor, and for the relief of her parents and natural guardians, Jean and Flora Noel, for injuries sustained by Minouche Noel due to the negligence of Children's Medical Services of the Department of Health and Rehabilitative Services. Provides for the use of such funds and for a reversion to the state under specified circumstances.