

By Senator Rich

34-78-07

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 of her parents and natural

5 guardians, Jean and Flora Noel, for injuries

6 sustained due to the negligence of Children's

7 Medical Services of the Department of Health

8 and Rehabilitative Services; providing an

9 appropriation; providing for the use of such

10 funds; providing for a reversion to the state;

11 providing an effective date.

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13 WHEREAS, Minouche Noel was born February 15, 1988, and

14 soon after was diagnosed as having "a possible meningocele,

15 questionable other lesion, with spina bifida," and

16 WHEREAS, on July 15, 1988, Minouche underwent surgery

17 and, following the surgery and throughout her hospital stay,

18 seemed able to move her legs, and

19 WHEREAS, from January until May 1989, Minouche's

20 parents repeatedly sought help from the doctors and staff at

21 the Children's Medical Services clinic because of her

22 increasing difficulty in walking, and

23 WHEREAS, on May 16, 1989, the same doctor who

24 originally operated on her spine operated again, and, after

25 that operation, Minouche never walked again, and

26 WHEREAS, at trial, it was found that the first

27 operation had not been necessary and that the surgeon had

28 performed the surgery below the minimum acceptable standard of

29 care and had caused Minouche to lose all function in her legs

30 and bladder, and

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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.