

1 A bill to be entitled

2 An act for the relief of Minouche Noel, and Jean and Flora
3 Noel, parents of Minouche Noel; providing an appropriation
4 to compensate Minouche Noel, and Jean and Flora Noel,
5 parents of Minouche Noel, individually, for injuries and
6 damages sustained due to the negligence of Children's
7 Medical Services of the former Department of Health and
8 Rehabilitative Services; providing for the use of funds;
9 providing for reversion of funds to the state; providing
10 an effective date.

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12 WHEREAS, Minouche Noel was born on February 15, 1988, and
13 soon after was diagnosed as having "a possible meningocele,
14 questionable other lesion, with spina bifida," and

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

18 WHEREAS, from January 1989 until May 1989, Minouche Noel's
19 parents repeatedly sought help from the doctors and staff at the
20 Children's Medical Services clinic because of her increasing
21 difficulty in walking, and

22 WHEREAS, on May 16, 1989, the same doctor who originally
23 operated on Minouche Noel's spine operated again, and, after
24 that operation, Minouche Noel never walked again, and

25 WHEREAS, at trial, it was found that the first operation on
26 Minouche Noel's spine had not been necessary and that the
27 surgeon had performed the surgery below the minimum acceptable
28 standard of care and had caused Minouche Noel to lose all

29 function in her legs and bladder, and

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

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

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

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

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

45 Section 2. There is appropriated from the General Revenue
 46 Fund to the Department of Health, as successor to the Department
 47 of Health and Rehabilitative Services, the sum of \$5,000,000 to
 48 be paid to Minouche Noel as relief for injuries and damages
 49 sustained. After payment of statutory fees, costs, outstanding
 50 medical liens, and other immediate needs, the remaining funds
 51 shall be placed into a special needs trust created for the use
 52 and benefit of Minouche Noel. Any funds remaining in the special
 53 needs trust upon the death of Minouche Noel, after the payment
 54 of any outstanding Medicaid liens, shall revert to the General
 55 Revenue Fund of the State of Florida.

56 Section 3. There is appropriated from the General Revenue

57 Fund to the Department of Health, as successor to the Department
58 of Health and Rehabilitative Services, the sum of \$1,000,000 for
59 the relief of Jean and Flora Noel, individually, as relief for
60 injuries and damages sustained.

61 Section 4. The Chief Financial Officer is directed to draw
62 a warrant in favor of Minouche Noel in the sum of \$5,000,000
63 upon funds in the State Treasury to the credit of the Department
64 of Health, and the Chief Financial Officer is directed to pay
65 the same out of such funds in the State Treasury not otherwise
66 appropriated.

67 Section 5. The Chief Financial Officer is directed to draw
68 a warrant in favor of Jean and Flora Noel, individually, in the
69 sum of \$1,000,000 upon funds in the State Treasury to the credit
70 of the Department of Health, and the Chief Financial Officer is
71 directed to pay the same out of such funds in the State Treasury
72 not otherwise appropriated.

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