

ENROLLED  
CS/CS/HB 593

2007 Legislature

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 for payment of professional services and costs incurred by  
11 attorneys and lobbyists; providing an effective date.

12  
13 WHEREAS, Minouche Noel was born on 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 Noel underwent surgery  
17 and, following the surgery and throughout her hospital stay,  
18 seemed able to move her legs, and

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

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

26 WHEREAS, at trial, it was found that the first operation on  
27 Minouche Noel's spine had not been necessary and that the  
28 surgeon had performed the surgery below the minimum acceptable

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29 standard of care and had caused Minouche Noel to lose all  
30 function in her legs and bladder, and

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, then a minor, and damages  
37 in 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 Minouche Noel as relief for injuries and damages  
50 sustained. After payment of fees and costs as provided in  
51 section 6 of this act, outstanding medical liens, and other  
52 immediate needs, the remaining funds shall be placed into a  
53 special needs trust created for the use and benefit of Minouche  
54 Noel. Any funds remaining in the special needs trust upon the  
55 death of Minouche Noel, after the payment of any outstanding  
56 Medicaid liens, shall revert to the General Revenue Fund of the

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57 State of Florida.

58 Section 3. There is appropriated from the General Revenue  
59 Fund to the Department of Health, as successor to the Department  
60 of Health and Rehabilitative Services, the sum of \$2,000,000 for  
61 the relief of Jean and Flora Noel, individually, as relief for  
62 injuries and damages sustained.

63 Section 4. The Chief Financial Officer is directed to draw  
64 a warrant in favor of Minouche Noel in the sum of \$6,500,000  
65 upon funds in the State Treasury to the credit of the Department  
66 of Health, and the Chief Financial Officer is directed to pay  
67 the same out of such funds in the State Treasury not otherwise  
68 appropriated.

69 Section 5. The Chief Financial Officer is directed to draw  
70 a warrant in favor of Jean and Flora Noel in the sum of  
71 \$2,000,000 upon funds in the State Treasury to the credit of the  
72 Department of Health, and the Chief Financial Officer is  
73 directed to pay the same out of such funds in the State Treasury  
74 not otherwise appropriated.

75 Section 6. Payment for attorney's fees and costs incurred  
76 by the claimant's attorneys shall not exceed \$1,074,667. Payment  
77 for the professional services and costs of lobbyists advocating  
78 for passage of this claim shall not exceed \$85,000.

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