Florida House of Representatives - 2001 By Representative Cantens

1	A bill to be entitled
2	An act for the relief of Minouche Noel, a
3	minor, and Jean and Flora Noel, parents and
4	natural guardians of Minouche Noel; providing
5	an appropriation to compensate Minouche Noel, a
6	minor, and Jean and Flora Noel, parents and
7	natural guardians of Minouche Noel,
8	individually, for injuries and damages
9	sustained due to the negligence of Children's
10	Medical Services of the former Department of
11	Health and Rehabilitative Services; providing
12	an effective date.
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14	WHEREAS, Minouche Noel was born February 15, 1988, and
15	soon after was diagnosed as having "a possible meningocele,
16	questionable other lesion, with spina bifida," and
17	WHEREAS, on July 15, 1988, Minouche Noel underwent
18	surgery and, following the surgery and throughout her hospital
19	stay, seemed able to move her legs, and
20	WHEREAS, from January 1989 until May 1989, Minouche
21	Noel's parents repeatedly sought help from the doctors and
22	staff at the Children's Medical Services clinic because of her
23	increasing difficulty in walking, and
24	WHEREAS, on May 16, 1989, the same doctor who
25	originally operated on Minouche Noel's spine operated again,
26	and, after that operation, Minouche Noel never walked again,
27	and
28	WHEREAS, at trial, it was found that the first
29	operation on Minouche Noel's spine had not been necessary and
30	that the surgeon had performed the surgery below the minimum
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CODING:Words stricken are deletions; words <u>underlined</u> are additions.

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acceptable standard of care and had caused Minouche Noel to 1 2 lose all function in her legs and bladder, and 3 WHEREAS, the jury found that Children's Medical 4 Services had been negligent and that the negligence 5 constituted 100 percent of the legal cause of injury or damage б to Minouche Noel, and 7 WHEREAS, on March 25, 1999, the jury awarded damages in 8 the amount of \$6,500,000 to Minouche Noel, a minor, and damages in the amount of \$2,000,000 to Jean and Flora Noel, 9 10 parents and natural quardians of Minouche Noel, and 11 WHEREAS, \$200,000 has been paid in accordance with the 12 provisions of section 768.28, Florida Statutes, NOW, 13 THEREFORE, 14 Be It Enacted by the Legislature of the State of Florida: 15 16 17 Section 1. The facts stated in the preamble to this 18 act are found and declared to be true. Section 2. The sum of \$6,500,000 is appropriated out 19 20 of funds in the State Treasury to the credit of the Department of Health, as successor to the Department of Health and 21 22 Rehabilitative Services, to be paid to Jean and Flora Noel, as parents and legal guardians of Minouche Noel, a minor, for the 23 benefit of Minouche Noel, as relief for injuries and damages 24 25 sustained. 26 Section 3. The sum of \$2,000,000, is appropriated out 27 of funds in the State Treasury to the credit of the Department 28 of Health, as successor agency to the former Department of 29 Health and Rehabilitative Services, and not otherwise appropriated to be paid to Jean and Flora Noel, individually, 30 31 as relief for injuries and damages sustained.

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1	Section 4. The Comptroller is directed to draw a
2	warrant in favor of Jean and Flora Noel, as parents and legal
3	guardians of Minouche Noel, a minor, in the sum of \$6,500,000
4	for the benefit of Minouche Noel, minor child of Jean and
5	Flora Noel, upon funds in the State Treasury to the credit of
6	the Department of Health and the State Treasurer is directed
7	to pay the same out of such funds in the State Treasury not
8	otherwise appropriated.
9	Section 5. The Comptroller is directed to draw a
10	warrant in favor of Jean and Flora Noel, individually, in the
11	sum of \$2,000,000 upon funds in the State Treasury to the
12	credit of the Department of Health and the State Treasurer is
13	directed to pay the same out of such funds in the State
14	Treasury not otherwise appropriated.
15	Section 6. This act shall take effect upon becoming a
16	law.
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19	LEGISLATIVE SUMMARY
20	Provides an appropriation of \$8.5 million, out of funds allocated to the Department of Health, for the relief of
21	Minouche Noel, a minor, and of Jean and Flora Noel, her parents and natural guardians, for injuries caused by the
22	negligence of Children's Medical Services of the former Department of Health and Rehabilitative Services,
23	predecessor of the Department of Health.
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