

Council Substitute for
Council Substitute for House Bill No. 593

An act for the relief of Minouche Noel, and Jean and Flora Noel, parents of Minouche Noel; providing an appropriation to compensate Minouche Noel, and Jean and Flora Noel, parents of Minouche Noel, individually, for injuries and damages sustained due to the negligence of Children's Medical Services of the former Department of Health and Rehabilitative Services; providing for the use of funds; providing for reversion of funds to the state; providing for payment of professional services and costs incurred by attorneys and lobbyists; providing an effective date.

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

WHEREAS, from January 1989 until May 1989, Minouche Noel'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 Minouche Noel's spine operated again, and, after that operation, Minouche Noel never walked again, and

WHEREAS, at trial, it was found that the first operation on Minouche Noel's spine had not been necessary and that the surgeon had performed the surgery below the minimum acceptable standard of care and had caused Minouche Noel to lose all function in her legs and bladder, and

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

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

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

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

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

Section 2. There is appropriated from the General Revenue Fund to the Department of Health, as successor to the Department of Health and Rehabilitative Services, the sum of \$6,500,000 to be paid to Minouche Noel as relief for injuries and damages sustained. After payment of fees and costs as provided in section 6 of this act, outstanding medical liens, and other immediate needs, the remaining funds shall be placed into a special needs trust created for the use and benefit of Minouche Noel. Any funds remaining in the special needs trust upon the death of Minouche Noel, after the payment of any outstanding Medicaid liens, shall revert to the General Revenue Fund of the State of Florida.

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

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

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

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

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

Approved by the Governor May 24, 2007.

Filed in Office Secretary of State May 24, 2007.