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\$8.5 million settlement arrives after 19 years

BY BREANNE GILPATRICK

For nearly two decades, Minouche Noel waited.

She waited for the state to pay an \$8.5 million settlement after a botched back surgery left her paralyzed 19 years ago. She waited to afford a wheelchair-accessible home so she would no longer need to crawl from room to room on hands and knees. And she waited, hoping, someday, she'd get the money a Broward jury told her she deserved.

Thursday, the wait finally ended: Gov. Charlie Crist ceremoniously signed the settlement Thursday in Hollywood as Noel, now 19, looked on.

"It's a wonderful thing," said state Rep. Perry Thurston, D-Fort Lauderdale. "It's overdue. Minouche Noel lived a nightmare the first third of her life."

STATE FOUND LIABLE

In 1999, a jury concluded that a Broward doctor, from Children's Medical Services, a defunct state agency, crippled Noel in an unnecessary surgery when she was an infant.

Jurors found the state liable for medical negligence and awarded the Noel family \$8.5 million. But under Florida's constitution, governments are virtually shielded from major lawsuits thanks to sovereign immunity. The state can pay up to \$200,000 if a person is wrongly maimed or killed by the state but additional money must be approved by the Legislature in what is known as a claims bill.

Noel's settlement lingered for years. Last year, the Senate refused to hear the bill despite a unanimous House vote and the tearful pleadings of the bill's sponsor, former state Rep. Chris Smith, D-Fort Lauderdale.

Term limits forced Smith out of office in 2006. Thurston, his successor, filed the bill again this year. State Sen. Nan Rich, a Weston Democrat, sponsored the bill in the Senate.

TOUCHING MOMENT

When the bill passed both chambers earlier this month, Smith received a call from former House speaker Allan Bense. "He called and said `Hey, our bill finally made it,'" Smith said.

Smith pulled over on Interstate 95 and started crying.

"It's a long journey but we finally got it done," Smith said Thursday. ``It's just great to see the good guys win out in the end."

What changed? For one, a surplus of money for one-time expenses like the Noel settlement. Some also say that the \$4.8 settlement for the family of 14-year-old Martin Lee Anderson paved the way for other Florida families waiting for compensation.

Anderson died last year at a state-run boot camp in Panama City. Crist signed that settlement Wednesday in Tallahassee.

Noel and her parents recently moved from Fort Lauderdale to Palm Bay, where she now attends Brevard Community College. She said she wants to use the money to buy a new house for her and her parents. The one they rent now is too small. "I'm just overwhelmed and happy that it actually came," Noel said.