

1 A bill to be entitled

2 An act for the relief of Vonshelle Brothers, as the
3 natural parent and legal guardian of Iyonna Hughey;
4 providing an appropriation to compensate her daughter
5 for injuries and damages sustained as a result of the
6 alleged negligence of the Brevard County Health
7 Department, an agency of the Department of Health;
8 providing that certain payments and the appropriation
9 satisfy all present and future claims related to the
10 alleged negligent acts; providing a limitation on the
11 payment of compensation, fees, and costs; providing an
12 effective date.

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14 WHEREAS, on March 16, 2010, Vonshelle Brothers visited a
15 location of the Brevard County Health Department for her initial
16 prenatal visit, during which a complete obstetrical and
17 gynecological exam was conducted, including a Pap smear, and

18 WHEREAS, the lab results of the exam were reported to be
19 within normal limits with the exception of the Pap smear, which
20 had tested negative for intraepithelial lesion or malignancy,
21 but showed cellular changes consistent with herpes simplex virus
22 and bacterial vaginosis, and

23 WHEREAS, despite the results of the Pap smear, the Brevard
24 County Health Department did not report the results to Vonshelle
25 Brothers, and

26 WHEREAS, Vonshelle Brothers continued to receive treatment
27 from the Brevard County Health Department through the duration
28 of her pregnancy until the birth of her daughter, Iyonna Hughey,
29 on October 14, 2010, at the Wuesthoff Medical Center, and both
30 were discharged from the hospital 2 days later in good
31 condition, and

32 WHEREAS, on November 1, 2010, Vonshelle Brothers brought
33 Iyonna to the emergency room at Wuesthoff Medical Center citing
34 Iyonna's lack of eating, weak condition, and fever, and

35 WHEREAS, a lumbar puncture was performed and cerebral
36 spinal fluid was collected which initially suggested that Iyonna
37 had meningitis, which prompted her transfer to the Arnold Palmer
38 Hospital for Children for further evaluation and management, and

39 WHEREAS, on November 3, 2010, the final results of the
40 cerebral spinal fluid collection were reported, and the fluid
41 had tested positive for herpes simplex type 2, and

42 WHEREAS, as a result of her diagnosis, Iyonna continues to
43 experience significant developmental delay and neurologic
44 impairment related to the herpes meningoencephalitis and has
45 required continued treatment, including physical therapy,
46 occupational and speech therapy, and neurologic and
47 ophthalmologic care, and

48 WHEREAS, Iyonna's condition requires her to be under the
49 constant care and supervision of Vonshelle Brothers, and

50 WHEREAS, the Brevard County Health Department had a duty to

51 provide a reasonable level of care to Vonshelle Brothers and
 52 Iyonna Hughey but that duty was allegedly breached by the
 53 department failing to disclose the presence of the herpes
 54 simplex virus in Vonshelle Brothers and to order proper
 55 treatment of the virus, which eventually resulted in Iyonna's
 56 diagnosis, and

57 WHEREAS, in June 2016, a final order was entered approving
 58 a settlement in the sum of \$3.2 million between Vonshelle
 59 Brothers, individually, and as natural parent and legal guardian
 60 of Iyonna Hughey, and the Brevard County Health Department to
 61 settle all claims arising out of the factual situation described
 62 in this act, and

63 WHEREAS, the Department of Health has paid \$200,000 to Ms.
 64 Brothers under the statutory limits of liability set forth in s.
 65 768.28, Florida Statutes, and the parties have agreed to a
 66 reduced settlement in the amount of \$1 million, NOW, THEREFORE,

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

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

72 Section 2. The sum of \$1 million is appropriated from the
 73 General Revenue Fund to the Department of Health for the relief
 74 of Vonshelle Brothers, as natural parent and legal guardian of
 75 Iyonna Hughey, to compensate Iyonna Hughey for injuries and

76 damages sustained.

77 Section 3. The Chief Financial Officer is directed to draw
78 a warrant in favor of the Supplemental Care Trust for the
79 Benefit of Iyonna Hughey or other special needs trust for the
80 exclusive use and benefit of Iyonna Hughey, in the sum of \$1
81 million upon funds of the Department of Health in the State
82 Treasury and to pay the same out of such funds in the State
83 Treasury.

84 Section 4. The amount paid by the Department of Health
85 pursuant to s. 768.28, Florida Statutes, and the amount awarded
86 under this act are intended to provide the sole compensation for
87 all present and future claims arising out of the factual
88 situation described in this act which resulted in injuries and
89 damages to Vonshelle Brothers and Iyonna Hughey. Of the amount
90 awarded under this act, the total amount paid for attorney fees
91 may not exceed \$100,000, the total amount paid for lobbying fees
92 may not exceed \$50,000, and the total amount paid for costs and
93 other similar expenses relating to this claim may not exceed
94 \$2,214.

95 Section 5. This act shall take effect upon becoming a law.