

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Civil Justice & Claims
 2 Subcommittee

3 Representative Jenne offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 Section 2. The sum of \$1 million is appropriated from the
 10 General Revenue Fund to the Department of Health for the relief
 11 of Vonshelle Brothers, as natural parent and legal guardian of
 12 Iyonna Hughey, to compensate Iyonna Hughey for injuries and
 13 damages sustained.

14 Section 3. The Chief Financial Officer is directed to draw
 15 a warrant in favor of the Supplemental Care Trust for the
 16 Benefit of Iyonna Hughey or other special needs trust for the

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17 exclusive use and benefit of Iyonna Hughey, in the sum of \$1
18 million upon funds of the Department of Health in the State
19 Treasury and to pay the same out of such funds in the State
20 Treasury.

21 Section 4. The amount paid by the Department of Health
22 pursuant to s. 768.28, Florida Statutes, and the amount awarded
23 under this act are intended to provide the sole compensation for
24 all present and future claims arising out of the factual
25 situation described in this act which resulted in injuries and
26 damages to Vonshelle Brothers and Iyonna Hughey. Of the amount
27 awarded under this act, the total amount paid for attorney fees
28 may not exceed \$100,000, the total amount paid for lobbyist fees
29 may not exceed \$50,000, and the total amount paid for costs and
30 other similar expenses relating to this claim may not exceed
31 \$2,214.

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

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35 **T I T L E A M E N D M E N T**

36 Remove everything before the enacting clause and insert:

37 A bill to be entitled

38 An act for the relief of Vonshelle Brothers, as the
39 natural parent and legal guardian of Iyonna Hughey;
40 providing an appropriation to compensate her daughter
41 for injuries and damages sustained as a result of the

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42 | alleged negligence of the Brevard County Health
43 | Department, an agency of the Department of Health;
44 | providing that certain payments and the appropriation
45 | satisfy all present and future claims related to the
46 | alleged negligent acts; providing a limitation on the
47 | payment of compensation, fees, and costs; providing an
48 | effective date.

49 |
50 | WHEREAS, on March 16, 2010, Vonshelle Brothers visited a
51 | location of the Brevard County Health Department for her initial
52 | prenatal visit, during which a complete obstetrical and

53 | gynecological exam was conducted, including a Pap smear, and
54 | WHEREAS, the lab results of the exam were reported to be
55 | within normal limits with the exception of the Pap smear, which
56 | had tested negative for intraepithelial lesion or malignancy,
57 | but showed cellular changes consistent with herpes simplex virus
58 | and bacterial vaginosis, and

59 | WHEREAS, despite the results of the Pap smear, the Brevard
60 | County Health Department did not report the results to Vonshelle
61 | Brothers, and

62 | WHEREAS, Vonshelle Brothers continued to receive treatment
63 | from the Brevard County Health Department through the duration
64 | of her pregnancy until the birth of her daughter, Iyonna Hughey,
65 | on October 14, 2010, at the Wuesthoff Medical Center, and both

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66 | were discharged from the hospital 2 days later in good
67 | condition, and

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

71 | WHEREAS, a lumbar puncture was performed and cerebral
72 | spinal fluid was collected which initially suggested that Iyonna
73 | had meningitis, which prompted her transfer to the Arnold Palmer
74 | Hospital for Children for further evaluation and management, and

75 | WHEREAS, on November 3, 2010, the final results of the
76 | cerebral spinal fluid collection were reported, and the fluid
77 | had tested positive for herpes simplex type 2, and

78 | WHEREAS, as a result of her diagnosis, Iyonna continues to
79 | experience significant developmental delay and neurologic
80 | impairment related to the herpes meningoencephalitis and has
81 | required continued treatment, including physical therapy,
82 | occupational and speech therapy, and neurologic and
83 | ophthalmologic care, and

84 | WHEREAS, Iyonna's condition requires her to be under the
85 | constant care and supervision of Vonshelle Brothers, and

86 | WHEREAS, the Brevard County Health Department had a duty to
87 | provide a reasonable level of care to Vonshelle Brothers and
88 | Iyonna Hughey but that duty was allegedly breached by the
89 | department failing to disclose the presence of the herpes
90 | simplex virus in Vonshelle Brothers and to order proper

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91 treatment of the virus, which eventually resulted in Iyonna's
92 diagnosis, and

93 WHEREAS, in June 2016, a final order was entered approving
94 a settlement in the sum of \$3.2 million between Vonshelle
95 Brothers, individually, and as natural parent and legal guardian
96 of Iyonna Hughey, and the Brevard County Health Department to
97 settle all claims arising out of the factual situation described
98 in this act, and

99 WHEREAS, the Department of Health has paid \$200,000 to Ms.
100 Brothers under the statutory limits of liability set forth in s.
101 768.28, Florida Statutes, and the parties have agreed to a
102 reduced settlement in the amount of \$1 million, NOW, THEREFORE,
103