

CHAPTER 2018-163

House Bill No. 6505

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

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

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

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

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

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

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

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

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

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

WHEREAS, the Brevard County Health Department had a duty to provide a reasonable level of care to Vonshelle Brothers and Iyonna Hughey, but that duty was allegedly breached by the department's failure to disclose the presence of the herpes simplex virus in Vonshelle Brothers and to order proper treatment of the virus, which eventually resulted in Iyonna's diagnosis, and

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

WHEREAS, the Department of Health has paid \$200,000 to Ms. Brothers under the statutory limits of liability set forth in s. 768.28, Florida Statutes, and the parties have agreed to a reduced settlement in the amount of \$1 million, 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. The sum of \$1 million is appropriated from the General Revenue Fund to the Department of Health for the relief of Vonshelle Brothers, as natural parent and legal guardian of Iyonna Hughey, to compensate Iyonna Hughey for injuries and damages sustained.

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

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

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

Approved by the Governor March 23, 2018.

Filed in Office Secretary of State March 23, 2018.